

* TIMELINE

* PROFILES/INTERVIEWS

* REINHART ARTICLE

* McARTHUR TAPE

* WEAPONS USED

* ALLEN BIBLIOGRAPHY

* CARIL - POST CONVICTION

The Following pages contain a timeline of all eleven murders. It begins with the death of Robert Colvert on Dec.1, 1957 and ends with the capture of Charles Starkweather on Jan.29, 1958.

DEC.1,1957.(Sunday)

-3:30am

Charlie pulls into Crest Gas Station and buys pack of Winston cigarettes from the night attendant, Robert Colvert, and then leaves.

-3:40am

Charlie returns and buys some gum, then leaves.

-3:50am

Charlie parks in front of Crest Station, he places a red bandanna on his face, puts a hunting cap on his head to hide his red hair, and slips on some leather gloves. He is already wearing blue jeans, a black shirt, a black leather jacket and cowboy boots. When Charlie walks into the garage he is carrying a 12 gauge shotgun in one hand and a canvas bag in the other (he found the bag while working on the garbage truck the week before). Once inside, he orders attendant Robert Colvert to shut off the outside lights and fill the bag with money (the take was around \$150.00 in dollars, \$10.00 in coins). Charlie also knows of a safe under a counter, but Colvert does not know the combination. Charlie then orders Colvert outside into his car and has Colvert drive as he holds a gun on him. They then drive northeast on Cornhusker and left on 27th street - where they stop on a frozen dirt road called Superior Street. When Charlie orders him to get out, Colvert turns and a scuffle follows with the gun going off shooting Colvert out the door. When Colvert begins to move again, Charlie puts the gun to the back of his head and fires. Within moments, he gets back in his car and returns home to sleep.

-5:01am

Robert Colvert's body is found on Superior Street. Personnel from both the sheriffs office (Karnopp) and the County Attorney's office (Scheele) arrive at scene a short time later. After investigating the scene, police come to the conclusion that they are looking for a transient suspect.

-6:00pm

Charlie gets rid robbery weapon. He throws the shotgun off South Street Bridge into Salt Creek.

Dec. 2, 1957. (Monday)

-Charlie buys used clothing at a local thrift shop and pays with \$10.00 worth of coins.

DEC. 7, 1957. (Saturday)

Starkweather repaints his blue Ford to the color black. In addition he has also changes the tires on his car in order to avoid a tire-print match by police. During the next few days he also stops by the Crest Gas Station a few times in order to divert any suspicion which might be attached to his absence. Strangely enough, he has learned all of these simple - yet effective techniques through comic books and detective magazines.

DEC. 16, 1957. (Monday)

The County attorney's office interview a former Crest employee who describes a 20 to 21 year old red head who drove a 49' Ford and used to hang around the station.

JAN. 10 - 19th, 1958.

During this time Charlie loses his steady job with the Garbage Company, and after he spends all the money on both himself and Caril he is locked out of his apartment for failing to pay the rent. He sleeps in his car at night. Guy and Helen Starkweather (Charlie's parents) tell him he is spending too much time with Caril. Marion and Velda Bartlett (Caril's parents) are worried about Caril's weight gain and possible pregnancy. They warn Caril not to see Charlie anymore, and they become hostile towards Charlie whenever he appears. Charlie and Caril are arguing with each other almost every day. At one point Charlie drags Caril off a school-bus in front of her friends. It was also reported that she would hide in the school restrooms after school so she could avoid Charlie outside.

JAN. 21, 1958. (Tuesday)

Charlie borrows brother Rodney's .22 rifle. He explains to him that he has planned to go hunting with Marion Bartlett.

-1:00pm

Charlie arrives at Bartlett home. An argument starts almost immediately between Charlie and Velda Bartlett. She hits Charlie several times in the face, and tells him never to come back. He leaves.

-1:15pm

Charlie returns for his gun, and this time Marion Bartlett gives him a kick in the ass out the door. Charlie drives to the nearby Hutson's Grocery Store and calls the Watson Brothers Transportation Company and lets them know that Marion Bartlett is sick and will not be in for a few days.

-3:00pm

NOTE: IT IS NOT KNOWN IF CARIL WAS HOME FROM SCHOOL DURING THE MURDER OF HER FAMILY, THIS VERSION FOLLOWS CARIL'S STORY.

Charlie returns to the Bartlett home and another argument starts and Velda slaps Charlie again. Charlie then slaps her back. Marion Bartlett runs into the room and they begin fighting. Charlie then runs into Caril's room and loads his rifle. When Marion enters with a hammer in his hand, Charlie fires one bullet into his head. He then reloads and shoots Velda in the face as she lifts a knife towards him. At that point he strikes Betty Jean with the rifle, and then stabs her.

-3:30pm

Caril arrives home from school. Charlie greets her with a gun in her face and explains that her family is being held hostage. Without her full cooperation, he will kill them.

JAN. 22, 1958. (Wednesday)

-6:30am

Caril's friend Bonnie comes by to walk with Caril to school. Caril explains that she is sick with the flu (Bonnie returns the next morning as is again turned away, she later stated to police that she felt Caril was in danger).

JAN. 25, 1958. (Saturday)

-12:02pm

Bob and Barbara Von Busch bring by new baby to see Bartletts. Caril yells at them to stay away as they approach the house. As Barbara approaches, Caril tells her that if they come any closer mother may get hurt. Caril then runs out to the taxi they were leaving in and pleads with them not to come back till after Monday so that Mother would not be hurt. She appears exhausted and is crying at the time.

-8:00pm

Bob Von Busch and Rodney Starkweather visit Bartlett home. They are turned away again by Caril.

-9:25pm

Bob Von Busch (married to Caril's sister Barbara) and Rodney Starkweather (Charlie's brother) contact police asking them to investigate the Bartlett residence at 924 Belmont Street.

-10:00pm

Two Lincoln police officers visit the home, speak with Caril at the door and report that everything seems normal.

JAN. 26. 1958. (Sunday)

-7:00pm

Laveta Starkweather (Charlie's sister) visits Bartlett home and is refused entry by Caril. Caril then whispers to her that Charlie is in another room with some other guy and they are planning to rob a bank.

JAN. 27, 1958. (Monday)

-9:30am

Lincoln Police receive report from Pansy Street (Caril's grandmother) that she has been denied the right to see her daughter by Caril, she feels there is something wrong.

-9:45am

Charlie and Caril quickly leave Bartlett home on foot and head for his father's home where he picks up his Ford.

-10:00am

A short time later Pansy Street and two police officers enter the home to find it empty, and then leave.

-10:03am

Charlie and Caril get gas at the Crest Service Station.

-12:30pm

Charlie and Caril stop at Dale's Champion Service where an ex-schoolmate of Charlie's, Lee Lamson, puts the car up on a grease rack and adjusts the transmission. Caril remains in the car while Charlie goes to the restroom. It was at this time that she writes a note which reads "HELP POLICE, DON'T IGNORE", and places it in her pocket to give to someone later, but she never gets the chance.

-1:30pm

Charlie and Caril stop at Tate's Service Station where they fix a tire. Caril runs into cafe adjoining the station and Caril buys four hamburgers. Counter girl Juanita Bell later notes that Caril stares at her the entire time she is waiting for the food, and even as she is walking outside with Charlie.

-1:45pm

Charlie and Caril arrive at August Meyer farm. As they head up his road there car becomes stuck in the mud. Still about 150 feet from the Meyer house, Charlie and Caril go into an old stormcellar and try to keep warm.

-2:00pm

Charlie and Caril leave stormcellar and head for Meyer house.

-2:10pm

NOTE: HERE AGAIN, CARIL'S STORY DIFFERS FROM CHARLIE'S, ALTHOUGH IT WAS LATER BELIEVED THAT CARIL'S WAS CLOSER TO THE TRUTH SINCE CHARLIE TENDED TO MAKE EACH MURDER SOUND AS IF IT WAS SELF-DEFENSE. As Charlie and Caril walk up, August Meyer's dog begins to bark loudly

and then Meyer appears. Charlie explains that he needs horses to help pull the car out of the mud. Meyer then heads into his barn with Charlie and Caril following behind him. As he reaches the entrance to the barn Charlie shoots him in the head with a sawed-off .410 shotgun. Charlie then drags the body into a washhouse. After shutting the door of the washhouse, Charlie shoots Meyer's dog which has been barking non-stop. Charlie then enters the house with Caril. She sits in the kitchen as he ransacks the upstairs bedrooms.

-4:30pm

Bob Von Busch and Rodney Starkweather return to Bartlett home and discover the body of Marion Bartlett (Caril's stepfather) frozen in an unused chicken coop out back. The bodies of Velda Bartlett (Caril's mother) and Betty Jean (Caril's baby sister) are found nearby in an old outhouse.

-5:40pm

Charlie and Caril return to the Ford to try and push it out of mud. Farmer -Howard Genuchi pulls by and uses his car to pull Charlie's car out of mud. Charlie and Caril then drive back to house. Charlie walks ahead of Caril and feels that someone has been by the house while they were gone, so they leave.

-6:00pm

Charlie drives about ten minutes from the Meyer farm when he decides that he has over-reacted, so they head back to the farm to spend the night.

-6:35pm

Charlie and Caril become stuck in the mud for a second time on a road leading to the farm. They decide to leave the car and walk.

-5:43pm

A pick-up alert is put out on Charlie's Ford by the Lincoln Police.

-7:40pm

Robert Jensen and Carol King pick up Charlie and Caril. Charlie asks Jensen to drive him to the nearest phone. As they pull up to the Bennet Service Station, Jensen tells Charlie that he must go find the attendant to open the phone booth. Charlie puts his rifle at the base of Jensen's head and tells him to drive to Lincoln.

-9:00pm

The Jensen car stops about fifty feet from the old stormcellar. Charlie walks the couple over to the cellar and shoots them both in the back of the head as they walk down steps. Caril is in the car during the murders.

-9:30pm

Neighboring farmer, Everett Broening, hears what he thinks may be a gunshot.

-10:30pm

Charlie and Caril get on Highway 2 and head towards Lincoln in Jensen's

car. On the way Caril throws several of Robert Jensen's school-books out the window (Caril later claimed this to be one of her tips to police). As they drive into Lincoln, Charlie drives past the Lincoln police station knowing that they would be safe in Jensen's car. They then pass directly in front of the Bartlett home and leave after seeing the police.

-10:45pm

Charlie and Caril decide to try to make it to the state of Washington and stay with Charlie's brother Leonard for a while.

JAN. 28, 1958. (Tuesday)

-1:00am

Charlie and Caril reach the town of Hastings, Nebraska, and Charlie is too tired to go on. They turn the car around and head back to Lincoln. Charlie later said that he knew the police would never expect him to return.

-3:19am

Missing Person's bulletin is broadcast for Robert Jensen and Carol King - missing since 7:30pm.

-3:30am

Charlie and Caril return to Lincoln and park in the wealthy Country Club section of town, where they sleep in the car till the next day.

-8:00am

Charlie and Caril awaken and begin driving around trying to find a house to enter. Charlie has picked up garbage from this area and is very familiar with the occupants of these homes.

-8:30am

Charlie decides on the Ward residence on South 24th Street. They pull in and Charlie makes Caril wait in car as he walks up to the kitchen window and bangs with his rifle. Lillian Fencl, the deaf maid, opens the door and Charlie realizes she cannot understand him so he writes instructions to her, first telling her to put a barking dog in the bathroom. A few moments later Clara Ward appeared in a robe, and she was ordered to sit at the table. Charlie then waved Caril in from outside. She entered the kitchen, was given a cup of tea, and then went into the library to sleep. Mrs. Ward and the maid went about cleaning the house to pass the time.

-11:00am

Mrs. Ward serves Charlie breakfast in the Library.

-12:15pm

Charlie's Ford found in mud at Meyer farm.

-1:00pm

Mrs. Ward asks to go upstairs to change her shoes.

-1:45pm

Charlie goes upstairs to check on Mrs. Ward. She fires at him with a .22 pistol. He throws a knife striking her in the back. Charlie then carries her into her bedroom. He then walks downstairs and wakes Caril, and gives her a gun orders her to guard the maid. He then returns to the bedroom and finds Mrs. Ward trying to use the phone, but he can not get near her because her other dog is in the way - so he uses the butt of his rifle to break the dog's neck. Charlie then ties Mrs. Ward up and leaves her on the bed.

-2:00pm

About thirty-five Lincoln police, deputy sheriffs and state troopers begin surrounding the Meyer farm after neighboring farmers spot Charlie's black 49' Ford in the mud. Within minutes an additional thirty armed farmers also take up positions around the farm.

-2:30pm

Lincoln Assistant Police Chief says the following on a loudspeaker; "WE KNOW YOUR IN THERE, WE'LL GIVE YOU FIVE MINUTES TO COME OUT WITH YOUR HANDS UP". After five minutes, nine officers in various positions fire off tear gas bombs in just about every window in the house. Within ten minutes the entire force converges on the house (most with bandannas or rags on their faces due to all the gas). A trooper out back yells out that he has found the frozen body of August Meyer with one shotgun blast to his head, the body is in a washhouse.

-3:00pm

Farmer Everett Broening, who has been watching the entire siege, suddenly remembers hearing the gunshot last night along with Jensen's car speeding off. On a hunch he heads towards the old stormcellar and discovers the bodies of the young couple. He quickly runs back and alerts the police. The bulk of almost everyone at the Meyer farm move to the stormcellar. Mass confusion among the police begins.

-3:30pm

The Bennet hardware store sells out of it's entire supply of ammunition, guns, and knives in the store. More than 100 troopers arrive from Omaha, Columbus, Grand Island and Freemont in order to cover the Bennet area.

-4:30pm

Radio reports indicate that County Attorney Elmer Scheele has filed first degree murder charges against both Charlie Starkweather and Caril Fugate. At this time nobody is even sure if Caril is alive.

-5:00pm

Charlie ransacks the upstairs bedrooms. A short time later the afternoon paper arrives and Charlie looks through it first - cutting certain articles out before letting Caril have it. Caril then cuts out photos of both Charlie and herself - along with photos of her family (This later testimony was damaging to her case, since it was highly unlikely that could not realize that her parents were dead at that point).

-5:30pm

C.Lauer Ward has a conference with Nebraska Governor and close friend Victor Anderson in the governors office. Ward and Anderson discuss the Starkweather Murders, and Ward is very upset about something like this happening in Lincoln.

-6:00pm

C.Lauer Ward arrives home and is confronted by Charlie in the kitchen. A struggle follows and Ward is thrown down the basement stairs. Charlie runs down, and after another struggle for the gun Ward runs upstairs only to be shot by Charlie from behind.

-6:15pm

Charlie tries to dye his hair black with shoe polish and has Caril do the back of his head before they left. After, Charlie and Caril bring Fencil upstairs and tie her up in the bedroom.

NOTE: ONCE AGAIN, STORIES CONFLICT ON THIS MURDER WITH CHARLIE STATING THAT HE WAS UNAWARE THE MAID WAS EVEN DEAD WHEN HE WAS CAPTURED. CARIL TESTIFIED THAT SHE WAS UPSTAIRS WHEN CHARLIE STABBED HER TO DEATH.

-7:00pm

Charlie and Caril leave Ward home in C.Lauer Ward's 1956 Packard. They get on Highway 34 and head for Washington state.

JAN. 29, 1958. (Wednesday)

-2:00am

Charlie and Caril stop in town of Broken Bow, Nebraska. Charlie pulls into Bow Oil Company and buys gas and several different state maps. When the attendant asks about his destination, Charlie replies; "I guess it don't matter".

-5:00am

Charlie falls asleep at the wheel and drives into a ditch, they decide to rest for a while.

-9:00am

Charlie and Caril cross state line into Wyoming on Highway 20.

-12:01pm

C.Lauer Ward's cousin and business associate, Fred Ward, stops by Ward Home and discovers bodies.

NOTE: THE FOLLOWING EVENTS HAVE NO PRECISE TIMES. ALTHOUGH EACH INCIDENT TOOK PLACE SOMEWHERE BETWEEN 12:30pm and 4:00pm.

-Within two hours, every hardware store in Lincoln sells just about every weapon (guns, knives, bows, ammunition) in stock.

-Governor Anderson, horrified at what has happened, calls up over 200 national guard which immediately start patrolling Lincoln in jeeps with mounted M-60 machine guns. Twenty of these soldiers surround the Lincoln bank under the report that Charlie may try and rob it.

-Sheriff Karnopp appears on television and the radio asking for his posse to meet him at the courthouse. Citizens take this as an open call and he is met by over 100 men of all ages when he arrives. With the crowd growing extremely restless, he stands on a desk and performs a mass deputization of everyone in the room. This action is quickly followed by a heated phone conversation with Chief Joe Carroll who explains that they will probably end up shooting each other.

-FBI arrive on the scene and begin assisting in the investigation.

-Road-blocks are set everywhere, citizen snipers stand on roof-tops throughout the city, the Lincoln Air Force Base sends up helicopters to help search for the Packard Automobile Charlie is driving.

-Two Lincoln police cars report they have spotted the Ward's 1956 black Packard racing through town. A high-speed chase follows for about 15 minutes. Police find that the driver is actually a Lincoln attorney who was kidding around. In another false alarm, a University of Nebraska student who resembles Charlie is held up in his apartment after being chased by a small crowd.

-Hundreds of calls pile into both the Sheriffs office and the police department alerting the police of possible sightings. At one point, the Lincoln Telephone Company has an overload of circuits and shuts down for almost an hour.

-Thousands of families leave their garage doors open and the keys in the car so if Charlie came by, he could just take the car and leave. In addition, after the news of the Ward murders was broadcast, just about every business and school came to halt when citizens rushed home to guard their children and be with their families. It was the only time in the history of Lincoln, that the people lost any faith that the police could protect them.

-Local Radio Station KFOR offers a \$100.00 reward for any information leading to capture of Charlie and Caril. The United Garbage Association also offers \$100.00. Lincoln Mayor Bennet Martin offers \$500.00, and finally Governor Anderson offers \$1,000.00.

-1:00pm

Charlie and Caril drive into Douglas, Wyoming. Radio reports are warning people to be on the lookout for them. As they drive through town, Charlie begins to get nervous with everyone staring at them. They quickly take off on to Highway 87 towards Casper.

-2:30pm

About 15 miles outside of Douglas, Charlie stops the car as he drives past a Buick on the other side of the road. Charlie gets out and walks over to Buick where he then knocks on the window awakening Merle Collison. Charlie; "Unlock the door", COLLISON; "Why?", CHARLIE; "We're gonna trade cars". Collison refuses and Charlie walks back to his car - retrieves a .22 pump rifle - and returns to the Buick where he begins firing through the window. (IT WAS LATER LEARNED THAT THE FIRST TWO SHOTS WERE THROUGH THE GLASS AND ANOTHER SEVEN WERE SHOT INTO HIM AFTER

CHARLIE HAD THE DOOR OPENED). Charlie then orders Caril into the back seat of the Buick and tries unsuccessfully to release the handbrake.

-2:45pm

Joe Sprinkle is traveling east towards Douglas when he passes the two vehicles on the road. He can see knowone in either car when he passes but he decides to turn around when he sees someone exit the car in his rearview mirror. Sprinkle gets out of his car and starts over towards Charlie who has his back towards him. Charlie then turns with a rifle in his hand and orders Sprinkle to help him release the brake. As Sprinkle gets closer, he notices Caril sobbing in the back seat, and then he sees Collison's body in the front seat. Within seconds he grabs for Charlie's gun and a wild fight follows spilling out onto the middle of the highway.

-2:55pm

Wyoming Deputy Sheriff William Romer just happens to be driving to Douglas on the highway and appears out of nowhere since there is a hill in the road which prevents him from seeing the fight until he is within seventy feet of the cars. As he pulls over, Caril bolts from the Buick and runs straight towards him. She quickly gets in Romers patrol car and explains what is going on.

-3:00pm

Charlie spots Romer's car and runs for his Packard. Sprinkle jumps into a ditch on the side of the road. Romer watches Charlie head towards Douglas, and waits a while to make sure he doesn't try to double back. Romer then radios Douglas for a roadblock and takes off after him with Caril sitting next to him.

Part II

-3:04pm

Douglas Chief of police Robert Ainslie and Sheriff of Converse County Earl Heflin pick up Romer's call and pick up Charlie about six miles outside Douglas as Charlie speeds by at around 80 mph. Charlie has a good lead on them as he enters the town going about 100mph, with Ainslie and Heflin closing in. Suddenly Charlie is slowed down by some traffic, and Ainslie (who is driving) gets close enough for Heflin to start firing away at Charlie's tires with a .38 revolver. When the shots ring out everyone on the streets scatter or lay down, and other cars swerve onto sidewalks. As Charlie maneuvers his way past cars, Ainslie manages to hook Charlie's bumper - only to have the Packards rip loose.

-3:15pm

Charlie makes it onto the open highway headed back towards Nebraska. At this point both he and Ainslie are driving at close to 120mph. Meanwhile Heflin changes weapons for a .30/.30 carbine which he starts to fire at the back of Charlie's window. After about ten shots, he manages to hit the window shattering the safety glass. At that point Charlie is lost for a moment over a dip in the road.

-3:25pm

When Charlie reappears, his Packard has stopped in the middle of the road. Heflin and Ainslie stop about 100 feet behind and wait for him to exit the car. Charlie's ear is bleeding all over his shirt when

he exits with his back to them. Ainslie yells for him to put his hands up and Charlie refuses so Ainslie fires a shot which lands next to Charlie's feet. Charlie starts to go for something in his waist so Ainslie fires another shot even closer to him. This time Heflin yells for him to get his hands up, but Charlie goes about tucking in his shirt until he's satisfied. With one more shot fired by Ainslie, Charlie turns around and lays face down on the highway. He is then handcuffed and put in the car and on the way to the Douglas Jail, he tells Heflin to loosen the handcuffs, or he will not tell them anything. Charlie then tells them not to be rough on the girl since she had nothing to do with it.

-3:36pm

Romer brings Caril to the jail. During the trip Romer states that she explains that she has been his hostage and that she had seen all nine murders (THIS STATEMENT WOULD ALMOST DESTROY HER ENTIRE CASE IN COURT SINCE SHE LATER TESTIFIED THAT SHE WAS UNAWARE OF HER OWN FAMILIES DEATH).-

-3:40pm

Radio reports broadcast the capture of Charlie and Caril in Douglas, Wyoming.

-3:45pm

Both Charlie and Caril are brought to the Converse County Jail. Charlie is locked in a cell on the ground floor. Heflin's wife, Hazel, takes charge of Caril and places her in a cell for women upstairs. Caril goes into shock and refuses to speak or let anyone touch her, including a doctor who tries to examine her. She is then sedated and falls asleep.

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-6:00pm

Charlie explains to Heflin and Ainslie; "You wouldn't have caught me if I hadn't stopped"....."If I'd had a gun I would have shot you". Charlie then asks for a pen and paper so he can write a letter to his parents (Pg.120. ALLEN BOOK).

JAN. 30, 1958. (Thursday)

-Elmer Scheele and Sheriff Merle Karnopp arrive in Douglas, Wyoming on Thursday afternoon after being transported with four other deputies and deputy prosecutors by the Air National Guard in a C-47. Problems arise when Wyoming Sheriff Heflin refuses to give up Charlie, explaining that he also committed murder in Wyoming. The matter is settled a short time later when Wyoming Governor Milward Simpson states that he could never grant the death penalty, but would be willing to turn over jurisdiction to Nebraska - which is not opposed to the death penalty.

-As soon as Charlie sees Sheriff Karnopp, he asks how his son Dennis is (Charlie had gone to school with Karnopp's son, and the Starkweather family had lived a block away from the Karnopp's at one point.).

-Scheele has no problem getting Charlie and Caril to sign Extradition waivers which would enable them to be immediately returned to Nebraska. Caril later admits that she is unaware of what she signed, and Charlie signs simply because he dislikes the smell of gas (which is Wyoming's form of capital punishment).

-Charlie and Caril both refuse to fly back in the C-47, so Karnopp drove them back in a four-car caravan. Charlie and Caril are taken in separate cars and Hazel Heflin (Sheriff Heflin's wife) escorts Caril as far as Gering, Nebraska, where they spend the night at the Gering Jail. The trip is uneventful except for the incredible mobs of print and electronic news reporters that follow them everywhere. Although during the first leg of the trip Charlie confesses to Karnopp that he killed Colvert at the gas station in December. When this news is released to the press, an incredible amount of public criticism is aimed at the Lincoln Police Department.

JAN. 31, 1958. (Friday)

-Early in the morning Charlie prints his second confession with a pencil on the prison wall in Gering. it reads;

" Caril is the one who said to go to Washington State.
by the time anybody will read this i will be dead for all the
killings, then they cannot give Caril the Chair to.
from Lincoln Nebraska they got us Jan.29,1958.
1958 Kill 11 persons
Charles kill 9, all men
Caril kill 2, all girls
11

They have so many cops and people watching us leave i cant add all of them up."

AT THE BOTTOM OF THE NOTE WAS DRAWN A HEART WITH AN ARROW THROUGH IT. INSIDE THE HEART WAS CHARLES STARKWEATHER AND CARIL FUGATE.

-Mrs. Gertrude Karnopp takes over as Caril's escort in Gering. And at that point Mrs. Heflin returns to Douglas. As Caril begins the second leg of the trip, she begins talking to Mrs. Karnopp about some of the murders. As the caravan continues to make it's way back to Lincoln, large crowds of people gather along the road in scattered towns along the way. All of them trying to catch a glimpse of the infamous couple. During some of rest stops along the way, Caril throws angry glances towards Charlie whenever she comes in eye-contact with him.

-When the caravan finally arrives in Lincoln, Charlie is taken directly to the Nebraska State Penitentiary and placed in a cell in the prison hospital. Caril is then taken to the State Hospital.

FEB. 15, 1958.

-John McArthur is appointed by Judge Harry Spencer to defend Caril Ann Fugate.

MAR. 7, 1958.

-McArthur appears in court to file writ of prohibition against Court Judge Herbert Ronin. If the writ is granted, Caril's case would be transferred to juvenile court.

MAR. 10, 1958

-Clement Gaughan is chosen to defend Charlie Starkweather.

MAR. 11, 1958.

-Harold J. Robinson arrives from the California Bureau of Criminal Investigation in order to begin his impartial inquiry into Lincoln police activities during the Starkweather Case.

MAR. 23, 1958.

-Robinson completes investigation. For the most part, it supports the Lincoln Police.

Chris inducted into Army

MAR. 28, 1958.

-Charlie writes letter to Elmer Scheele in which he accuses Caril of killing Carol King. (pg.132. ALLEN BOOK).

APR. 3, 1958. (Thursday)

-The District Court denies McArthur's writ of prohibition. Nebraska Attorney General's office gives McArthur permission to proceed with an appeal to the State Supreme Court. (pg.83. CARIL BOOK).

APR. 9, 1958.

-Charlie sends a second letter to Scheele with more or less the same information. But this time he adds the following statement; "I'll be convicted for what I did and that's okay. But I'll be damned if I'll be sentenced for what I didn't do".

MAY. 5, 1958. (MONDAY).

-Charlie Starkweather trial begins. As Charlie is led to the courtroom, he is under the protection of the largest security force ever assembled for any single prisoner in the history of Nebraska. This force includes police sharpshooters on every roof in sight, and plainclothes deputies on every corner. Charlie arrives in tan suit and tie.

-Jury selection from a panel of 147 begins and continues for the next three days.

-McArthur refuses to allow Caril to testify, and says she will invoke the fifth ammendment if she is called.

MAY. 9, 1958. (Friday).

-Prosecutor Elmer Scheele and his staff begin three day presentation of it's case against Charlie Starkweather. He is being tried for just one of the eleven murders - that of Robert Jensen Jr. in Bennet.

The following people testify;

- Robert Jensen Sr. (father of victim Robert Jensen Jr)
- Warren King (brother of victim Carol King)
- Homer Tate (owner of Tate's Service Station)
- Howard Genuchi (farmer who helped Charlie out of ditch)
- Everett Broening (farmer who found bodies in stormcellar)
- Dr. Erwin Zeman (pathologist who examined Jensen body)

MAY.12, 1958 (Monday)

- Scheele continues to establish links between Charlie and the murders, and goes about interviewing numerous police and deputies.
- The most interesting point of the day comes when two statements written by Charlie are read aloud. One note was found in Charlie's pocket (pg.100. CARIL BOOK), the other was a letter sent to his parents (pg.102. CARIL BOOK). Gaughan attempts to use these conflicting statements to prove Charlie's insane.

MAY,13.1958.(Tuesday)

- The state rests it's case against Charlie after Scheele reads two lengthy formal statements given by Charlie to both himself (pg.105. CARIL BOOK) and Dale Fahrnbruch (pg.119. CARIL BOOK).

MAY.14,1958.(Wednesday)

- Clem Gaughan begins his first day for the defense by having several witnesses testify about a blow Charlie received to his head some time ago at work.
- Charlie's third confession is read aloud in the courtroom (pg.103. CARIL BOOK).

MAY.15,1958.(Thursday)

- Guy and Helen Starkweather are scheduled to testify for the defense. Guy fails to show up and is then served with a subpoena.

-The following people testify;

- Robert Von Busch (Charlie's brother-in-law and close friend).
- Helen Starkweather (Charlie's mother).
- Charlie Starkweather.

MAY.16,1958 (Friday)

- Charlie strikes photographer outside courtroom (SEE NEWSPAPER ARTICLE).

The following people testify;

- Guy Starkweather (Charlie's father).

MAY, 19, 1958 (Monday)

-Dr. Nathan Greenbaum, Dr. John O'Hearne and Dr. John Steinman are called by the defense to describe Charlie's mental state of mind.

MAY, 20, 1958 (Tuesday)

-The defense rests it's case.

MAY, 22, 1958 (Thursday)

-Jury brings in guilty verdict for 1st degree murder on both of two counts. They specify the death penalty.

JULY, 3, 1958.

-The Supreme Court rules that Caril must be tried as an adult.

OCT. 17, 1958.

-McArthur calls Ninette Beaver and grants her permission to interview Caril in a press conference.

OCT. 20, 1958.

-Ninette Beaver interviews Caril Ann Fugate during a press conference.
-McArthur's idea backfires.

OCT. 27, 1958.

-Caril Ann Fugate's trial begins.
-By the end of the day, 33 jurors had been accepted by the prosecution.

OCT. 28, 1958.

-Jury selection continues.

OCT. 29, 1958. (Wednesday)

- Seven men and five women are chosen to sit on the jury.
- Opening statements are made by McArthur and Scheele. (pg.152. CARIL BOOK).

OCT. 30, 1958. (Thursday)

- The following people testify;
- Robert Jensen Sr. (Robert Jensen Jr.'s father)
- Warren King (Carol King's brother)
- Dr.Zeman (pathologist)

OCT. 31, 1958. (Friday)

- The following people testify;
 - Bill Romer (Deputy Sheriff who first came in contact with Charlie
-on a highway in Wyoming.)
 - Earl Heflin (Sheriff of Converse County in Wyoming)
 - Everett Broening (Bennet farmer who found bodies in cellar).
- The highlights of the day occur during Romer's testimony, where McArthur fires off questions concerning Caril.

NOV. 4, 1958. (Tuesday)

- The following people testify;
- Eugene Masters (Assistant Chief of Police)
- Rodney Starkweather (Charlie's brother)
- Officer Frank Soukop (first to check on Bartlett home)
- Dale Smallcomb (Ran service station that Charlie and Caril stopped
-at during spree)
- Lee Lamson (worked with Smallcomb)
- Homer Tate (Owned another service station Charlie was at)

NOV. 5, 1958. (Wednesday)

- Major suprise occurs in the morning when it is announced Scheele will call Charlie to testify against Caril.
- The following people testify;
 - Juanita Bell (worked at diner next to Tate's Service Station, served
-burgers to Caril)
 - Charlie Starkweather.(SCHEELE QUESTIONS HIM)
 - Dr.Vance Rogers (witnessed initial questioning of Caril)

NOV. 6, 1958. (Thursday)

- The following people testify;
- Charlie Starkweather (MCARTHUR QUESTIONS HIM)

NOV. 7, 1958. (Friday)

- The following people testify;
- Gertrude Karnopp (Wife of Sheriff Karnopp)
- Edwin Coats (psychiatrist at State Hospital)
- Audrey Wheeler (court reporter - was present during one of Caril's confessions)

-At the end of the day McArthur moves for a mistrial, stating that Charlie had answered questions on direct examination for Scheele, yet he had refused to answer some questions on cross-examination when asked by the defense.

-Judge Spencer denied the motion on the grounds that McArthur had not requested that the Court insist Charlie answer any specific questions.

NOV. 10, 1958. (Monday).

- The following people testify;
- Audrey Wheeler (court reporter)

-After McArthur argued the violation of Caril's rights, Scheele read a statement Caril made to him after her capture. The statement includes Caril saying that she had held a gun on Robert Jensen Jr., and also taken his wallet.

NOV. 12, 1958. (Wednesday)

-The State rests its case.

-McArthur begins the defense with the testimony of Caril.

The following people testify after Caril;

- Dr. Erwin Zeman (pathologist)

NOV. 13, 1958 (Thursday)

The following people testify;

- Alice Lauer (Ward family relative)
- Macie Moore (Aid at State Hospital)
- Pansy Street (Caril's grandmother)

NOV. 14, 1958 (Friday)

The following people testify;

- Hazel Heflin (Sheriff Heflin's wife)
- Barbara Von Busch (Caril's sister)
- Robert Von Busch (Caril's brother-in-law)
- Caril Fugate.

NOV. 17, 1958. (Monday)

The following people testify;

- Caril Fugate.

NOV. 18, 1958. (Tuesday)

The following people testify;

- Caril Fugate.
- Edwin Coats (psychiatrist)
- William Dixon (county attorney)

-After Caril's testimony, McArthur announces that the defense rests.

-After Dixon, Scheele announces that the state rests.

NOV. 19, 1958. (Wednesday)

-Scheele and McArthur give closing arguments for Fugate case.
(pg.198.CARIL BOOK).

NOV. 20, 1958. (Thursday)

10:01am

Jury deliberations begin.

NOV. 21, 1958. (Friday)

11:09am

The jury reaches a guilty verdict on the second count, murder while in the perpetration of a robbery. The jury also decided that the sentence would be life imprisonment.

NOV. 25, 1958. (Tuesday)

-McArthur files a motion for a mistrial with the district court after he learns that one of the jurors, H.A.Walenta, had made a bet that Caril would get the chair - before he served on the jury.

-Ninette Beaver and Jerry Hanson have been tipped off about the motion by McArthur the night before, and as soon as the radio announces the story - they walk into Walenta's auto shop and get an interview with him on camera. Moments after the interview, Dale Fahrnbruch and Sheriff Karnopp arrive to speak with Walenta also.

DEC. 13, 1958.

-McArthur and Scheele appear before judge Spencer. McArthur cites 71 errors in Caril's trial.

DEC. 20, 1958. (Saturday)

-Judge Spencer finds no prejudicial error and overrules McArthur's motion for a new trial. Spencer then sentences Caril to imprisonment for the rest of her natural life.

JAN. 11, 1959.

-McArthur files appeal for a new trial in the Nebraska State Supreme Court. His main argument being that the juror, Walenta, carried out a corrupt and unlawful act.

MAY. 19, 1959.

-Judge Spencer denies McArthur's motion for a new trial.

MAY. 21, 1959.

-Caril sends telegram to President Eisenhower to try and enlist his help in requesting a visit with Charlie before his execution. An immediate reply is sent to Caril which explains that the Starkweather case is entirely a state matter, and the president has no authority in the matter. (pg.263.CARIL BOOK)

MAY. 22, 1959.

-Charlie is scheduled to be executed at 6am.
 -Robert Jensen Sr. awaits news of Charlie's death standing next to his son's grave at the cemetery. His car radio reports the events.
 -Charlie suddenly receives stay of execution from federal Judge Rich Robinson who was contacted by Guy Starkweather.

JUNE. 25, 1959.

-A local radio station presents a special rock-n-roll program filled with songs about death which are played loudly by over 70 teen-agers driving around the penitentiary on the night of Charlie's death.

10:00pm

A doctor who is going to sign Charlie's death certificate dies of a heart-attack in the warden's office.

-About an hour later Charlie's head and left leg are shaved and he is led to the electric chair where he dies after receiving over 2000 volts three times.

JULY. 1964.

-McArthur files a petition for habeas corpus in the Federal District Court of Nebraska.

JULY. 1965.

-McArthur files a motion to show cause why Caril should not be released on bail since The Escobedo decision entitles Caril to a new trial.

DEC. 1965.

-District Court denies McArthur's two motions for a new trial.

FEB. 27, 1967.

-Caril appears at hearing for a new trial in front of Lancaster district court. It is her first appearance in public since 1959.

-the court denies a new trial.

APRIL. 1972.

-McArthur files petition with the Supreme Court of the United States.

JUNE. 1972.

-NBC News makes documentary about Caril growing up in prison.

OCT. 1972.

-The U.S. Supreme Court denies McArthur's petition for a new trial.

JUNE. 1973.

-the Nebraska Parole Board grants Caril hearing.

AUG. 1973.

-After a hearing, The Parole Board recommends Caril's case be presented to the State Board of Pardons for possible commutation of her life sentence.

OCT. 1973.

-The Board of Pardons commutes Caril's life term for murder to 30-50 years, making her eligible for parole in 1976.

TITLE: Omaha Television News Reporter

NAME: Ninette Beaver

BORN: 1926 in Council Bluffs,

1958 PROFILE:

AGE: 32 Years old.

HAIR:

HEIGHT: 5'3.

WEIGHT:

CHARACTERISTICS:

-Outgoing, smart and aggressive she needed to be.

BACKGROUND:

-Attended Creighton University with a major in Sociology, and a minor in Criminology.

-Married in 1947 to Commodore, had two children Mack (9 years old in 1958), and Joannette (8 years old in 1958).

-In 1955 I took over job as print reporter for a local paper in Council Bluffs, purely by accident. Had no Journalism background.

-In 1956 Ninette started reporting for KMTV in Omaha.

°INTERVIEW WITH MRS.NINETTE BEAVER. (Jan.29,1992).

-In 1958 there were no more than 13 people in the news department. Extremely noisy place. The Teletypes were out in the hallway, and when the bells would go off - we'd run out and watch for the new bulletin. In addition to all that noise we had all the police and fire radios going constantly.

-My boss was Floyd Kalber, who was around 35 years old in 1958, and he was both the anchor and news director. He was very stern and serious, and very good-looking. Tall and handsome. He'd been at the station since 1952, and we hit it off pretty quick. We also had Dick Trembath, a short 23 year old reporter with glasses, a good reporter. Jim Roberts, tall and darkhaired, a reporter about 25, and everyone liked him. Jerry Hanson, good at whatever he did and my closest friend at the station. Jerry became the film editor.

-I did not feel I was equal by any means, I mean it was still a man's job..especially in 1958. And yet I still had alot to learn, and I got along with everybody just fine.

-At home I had a housekeeper. I can remember when I got home on Monday Night(Jan.27), I heard on the radio about the Bartlett murders and called Floyd to see what was going on, and if they needed me in there. I remember us agreeing that they would have found them by morning.

-On Tuesday, Jan.28, I got in early. And at the time it was just Jerry and myself. And then we here that they have Charlie surrounded at Meyer farm, so we think about calling the house itself and seeing if Charlie would pick up...ofcourse we axed that decision pretty quick. Our Dick Trembath and Jim Roberts had raced down there at around 90 mph and they got there in time to get footage of the police firing

tear-gas into the windows. And then after they found Meyer's body and the couple's bodies, that's when the panic set in....and the excitement started for us.

-So after the couple was found in the shed, Floyd told me I better drive down there and get a room at the Lincoln where I would act as a command center. And as I was getting ready to drive down, I worried about driving down myself with Charlie on the loose. So Floyd suggested they fly me down, but then I thought about the drive from the Lincoln airport to the hotel. So we finally decided that I would drive down early tomorrow morning(Wed.).

-So around 11pm Tuesday night, Jerry followed me home to make sure I was safe. And I soon as I got home I quickly called my sister who lived down in Lincoln to see how she was doing.

-By Wednesday morning about two thirds of the staff were down there, so I ended up staying in Omaha. And then around noon the Ward bodies turned up and my adrenalin was sky-high, this was an incredible news story. Though this excitement was mixed with fear for my sister down there, who I would call about every hour. And at that point the phones started ringing constantly. And I remember the network picked up our reports for the Nightly News.

-So around on 6pm on Wed. night I headed down to Lincoln myself, mainly because Floyd wanted me to try and get an interview with the Starkweather family, and I remember that I just called Floyd and told him i couldn't get the interview. I actually lied, because there was no way I was going to knock on there door a few hours after there son has been arrested for killing 11 people.

-So a little later on that night (9pm. Wed.)I stopped by where my sister was working on local talent show for KOLN (Lincoln TV Station) and I told them I wasn't working on the Starkweather story, just something else here in Lincoln. So they end up loaning me there sound camera until noon the next day. So Jerry shows up around midnight that night and he stayed at my sister's place with me.

-Well Thursday morning(Jan.30) we get up around seven and pull up in front of the Starkweather home. So I go up to the house myself and they explain they don't want to interview, and I told them I understood. Then I asked them if I could make a call, and then they offered me a cup of coffee. Within 15 minutes, I waved Jerry inside and we had our interview. I remember Helen Starkweather was a very sweet lady, and Guy was a bit more of a publicity hound. Well after we finished the interview, about 20 to 30 reporters had showed up and were on the front lawn, and I remember the Starkweather's telling them no more interviews. Except I spotted a KOLN reporter (the station from which I borrowed the camera) and persuaded Mrs.Starkweather to let just him in. And when he got in, this reporter just looked at me knowing we had scooped him - but he also knew he was there because of us, so we helped him do an interview and then we left. And those were the only two interviews they gave that day.

-So me and Jerry raced back to Omaha, and were able to have the interview ready for the afternoon broadcast, and the nightly news also picked it up. But what was amazing was the next morning (fri) Dave Garaway on the TODAY SHOW ran over seven minutes of it. Remember this was my first ON-CAMERA interview ever. I could not believe it.

-Scheele was very methodical, very accurate. He had a breeze with Charlie's trial, but Caril's made him loose his temper every now an then because John McArthur was so good.

-Clement Gaughan was interseting, I remember me and Jerry finding out that Clem was appointed counsel for Charlie. Well we met him at the bar he used to frequent, and we sat on either side of him. And I think I said ;"So we here your representing Charlie..", and he just looked at us and shook his head, and I think he ordered a double. He was a nice guy, but not one of the better attorney's around. And Clem was so dramatic, a great showman...that closing statement he made with the tears running down his face...something else.

-I became good friends with John McArthur during the trial, and I remember always asking John to let us do an interview with her. But he always turned us down. And then about three weeks before her trial, John called me and said they had decided that they would let Caril do an interview. But John said they do it his way, and only one person does the interview. I quickly said you have to let Floyd do it , he's the best, and John paused and said no...your going to do it. And so I was shocked at that, and I was not looking to tell Floyd - I thought he'd be furious, but he wasn't, he just said call them back and get the interview, it doesn't matter who does it - just as long as we get it.

-So the day came for the interview, and it was actually a press conference - only any questions had to go through me, and I would decide what to ask, and the bulk of the questions turned out to be mine anyway. I remember getting there that day and we waited out in a hallway and I met Caril for the first time, and here was this tiny little girl with a new skirt her lawyers bought for her, and she had a nervous smile..and I told her everything would be fine. And then they opened that door - and I could not believe the amount of people and cameras. About 35 reporters and 11 different film cameras, along with several still cameras with flash-bulbs that went off all throughout the interview. And I remember John McArthur explaining the ground rules to the reporters and this reaction from several of them (all men) which was not pleasant. One Omaha Herald reporter said;"If you think I'm gonna let some part-time girl reporter ask my questions, the hell with that!". Well John said it was up to him, and since I was a nervous wreck to begin with that did not help too much. But my biggest shock came when I asked Caril her first question, and she transformed into this mean, cold adult - and not the child I had met moments before (years later she told me she was terrified of the cameras). I know that McArthur was watching and feeling that this was backfiring, but there was nothing he could do. And I was trying to calm her down during the interview, but it didn't help....she was somebody else during that interview.

-Personally, regarding Caril's involvement, I had the most trouble with the fact that she could have possibly escaped on a number of occasions.

-I mean we all felt she may have been guilty of something, but the question was what. But I really felt there was no way she ever killed anybody herself, although Jerry and Floyd both felt she was in on the whole thing.

TITLE: Defense Attorney for Caril Ann Fugate

NAME: John McArthur

BORN: 1910, in Custer County, Nebraska./ Died in 1986.

1958 PROFILE:

AGE: 48 Years old.

HAIR: Receding, Brown.

HEIGHT: 6'2.

WEIGHT: 175lbs.

CHARACTERISTICS:

- Always had half-dollar coin in his left hand which he would flip through his fingers whenever he was concentrating or listening to testimony in the courtroom.
- Very quiet, reserved. He hated the limelight, and tried to avoid being in front of the camera at all times.
- Would never lose his temper, and always remained calm in and out of the courtroom. A very soft, yet deep voice.
- Had interesting court technique of pretending he was not paying attention and then get up to cross-examine and fire off questions to a witness in order to catch them completely off guard.
- While he was available for anyone, his closest friend was his wife.

BACKGROUND:

- Married wife Ruby in 1934. Had six children.
- John was himself born into a family of eight brothers and sisters.
- Served in the army during World War II.

°INTERVIEW WITH MRS.RUBY MCARTHUR. (Jan.17, 1992).

-John was very upset over the way they were treating Caril even before he became her lawyer. He was disgusted by that fact that they kept questioning her without the help of legal counsel.

-John was infuriated when he heard that Sheriff Karnopp and his wife would take turns questioning Caril .

-I can remember very clearly the day he asked if he should represent her. He was shaving on a Saturday morning, and he looked at me and asked ...almost my permission. And ofcourse I told him to do what he thought was right, and ofcourse I'd stand behind him. But I knew once he took the case, he'd be gone for weeks. I mean even if he was home he'd still be working. When John took on a case like that - it consumed him.

-I remember always screening the phone calls for him at home during the Fugate trial. In fact one man who called from Kansas insisted on seeing John, and I explained he'd have to see him at the office. Well one Sunday, John was upstairs, this man from Kansas shows up at our home and demands to see John, and then pushes right past me into the kitchen and thank goodness my oldest boy John Daniel was sitting with several of his friends. Well they were all about 18 or 19 years old and quickly stood up so this guy had no place to go,

and he was then escorted out. I remember he had dropped some papers which were from a psychiatric center in Kansas. Now the next morning he showed up again, and this time I was scared...so I called the police and they picked him up a short time later and sent him back to Kansas.

-I remember John lost some clients because of his representing Caril, and we both lost some friends who could not understand why on Earth John would defend her. And there were the occasional phone calls from angry people who hated Caril.

-Speaking of Merle Reller, the attorney John shared an office with, I think John was his only real friend. I didn't much like Reller. I think Reller wasted John's time.

-He was worried about Elmer Scheele, because Scheele was one to play tricks in court. And also John knew all the back-up Scheele had as far as assistants, police access and any information they needed from Charlie. Where John had only himself. As far as Scheele was concerned, he would have a bit of a temper...and raise his voice quite a bit in court.

-During the trial John developed a nervous stomach, and didn't eat very well. John was very tense at times, and I think he would let it build up....he would worry alot.

-I don't think he ever took the \$8,000.00 he was given for Caril's trial, I think might have let Reller have it. I think he wanted them to take that money and shove it.

°INTERVIEW WITH JIM MCARTHUR. (Jan. 20, 1992).

-Son of John McArthur. Took over Caril Ann Fugate's case in early seventies as her attorney.

-I was 15 years old back in 1958. I remember reading about the Bartlett murders in the evening paper. Panic truly set in after the Ward murders, I was home for lunch and heard it over the radio. I know this sounds strange, but it was kind of exciting in a way.

-At the time I had a 7 year old brother (Benjamin), a 13 year old sister (Suzanne), me at 15, my older brothers at 17 (John Daniel) and 21 (Frank), and an older sister at 22 (Linda).

-My dad was at work when he heard about the murders.

-I did not realize that my dad was representing Caril until two weeks later when I received a phone call from some guy saying that they were having a neck-tie party for my dad downtown.

-During Caril's trial I was attending a parochial school and this one Bible teacher I had would attack my father day after day for what my father was doing defending this criminal. He accused my dad of being worse than she was - and he knew that I was his son, but that did not stop him. So finally one day I had enough and I stood up and yelled at him for five minutes straight, and then left the room. And I remember my classmates had supported me, and respected my dad.

-My dad would bring home alot of his work and occasionally sit me down on the stairs and explain the case to me as it developed. I felt very lucky, because he was so involved in the case that we(family) rarely had the opportunity to talk with him.

-One day, about two weeks after he took the case, my dad shocked me by bringing me along to meet Caril at the York Reformatory for Women. My dad told me to ask anything I wanted, and I remember being extremely nervous about the whole thing, and at first things were very awkward - but after a few minutes we were comfortable with each other. And I remember, we were about the same age, that I was not fully convinced about her story - but after that meeting I was satisfied that she was telling the truth.

-I also remember going along with my dad on trips to Bennet and Douglas as he investigated certain aspects of the case.

-Dad's biggest problem was the public feeling towards Caril. He was convinced she was set up from the start, I mean she had everyone on Earth asking her questions....she was never advised of her rights, or even given a chance explain herself.

-By far, some of the most dramatic testimony came from when both my dad and Scheele questioned Charlie at Caril's trial.

-I remember one interesting point in the trial when dad was holding one of Charlie's guns and was near Charlie who instinctively reached for it, I guess to describe what happened, and dad pulled back explaining he couldn't let him hold it.

-Dad's major contention during the trial was that Caril's biggest crime was that she had survived.

-Ten days after the verdict, someone gave information to my dad concerning a juror who had made a bet that Caril would fry before the trial ever started. Well after getting an affidavit from this juror, Walenta, dad tipped off Ninette Beaver at KMTV in Omaha so they could get him on film before Scheele and his boys could get a hold of him, and possibly change his story. Scheele and Fahrbruch arrived just as Ninette finished, and they were not happy.

-I joined my dad in full around 1963 while I was still in school.

-I took over myself around 1968, and started arguing the appeals.

-In 1972 we started on trying on getting her paroled, after running out of appeals for a new trial (we had made about nine legal appeals over the years)

-Remember it was Caril who continued to push for vindication over the years, and if she just switched to asking for a parole she may have been releases alot sooner.

-In 1976, she was presented in front of the board of Pardons & Paroles and she was released. She left within a few days. My dad was actually home that day. I saw him a little later on that day, and we were both very excited and relieved.

-Dad was both disgusted and insulted about the fees given to him, I mean it should have been easily three times the \$8,000.00 he was given. The courts saying that why should they have to pay for Caril's defense, I mean they were saying that it was his fault if he spent all that time on the case - as if dad should just gotten the case over with without a fight.

-I tell you when we went to Douglas to interview Sheriff Heflin and his wife, they were very much in Caril's favor. One big thing we learned on that trip was the fact that Mrs. Heflin found the note Caril had written and sent it back to Lincoln with the other evidence. That note was a plea for help Caril had written and tried to give to someone. Now that was the only piece of evidence that disappeared...the only thing. Lincoln police said they never received it.

TITLE: Lincoln Police Chief

NAME: Joe T. Carroll

BORN: 1910, in Alma, Nebraska. / Died in 1990.

1958 PROFILE:

AGE: 48 Years Old.

HAIR: Balding/Dark Grey.

HEIGHT: 6 foot.

WEIGHT: 210lbs.

CHARACTERISTICS:

- Constantly smoked cigars.
- Athletic, powerful with a crushing handshake.
- Very physical with friends and staff - always a slap on the back when he greeted you. Had a great sense of Humor.
- Strong, booming voice.
- Tough, stubborn Irish. Would take no shit from anybody.
- Ran a tight, disciplined police force who all respected and admired him. He was the boss, and everyone knew it.

BACKGROUND:

- Joined Police in 1930, became Chief of Police in 1941 at 31 years old (the youngest in the country).
- Father was a state sheriff, one brother with the F.B.I., another was detective.
- He was born eighth in family of nine.
- Married wife Marjorie in 1935. Had one son - Joe Carroll Jr.- who was 14 years old in 1958

°INTERVIEW WITH MRS. MARJORIE CARROLL. (Jan.15,1992).

-On Wednesday, Jan.29,1958, she left card game at friends home after news of Ward murders and picked up her son from Junior High. They returned home and Joe Jr. got an old rifle from downstairs and sat at the kitchen table looking out the window - watching for Starkweather.

-Joe Sr. had been up for about 44 hours straight working on the case. Mrs. Carroll did not see him until after Charlie was caught - Wednesday Evening.

-Joe Sr. called her once and told her not to worry. Just keep the house locked up keep Joe Jr. at home.

-Almost everyone would call Joe Sr. "CHIEF".

-Joe Sr. had been the fourth recipient of the "J.EDGAR HOOVER AWARD".

-There had only been seven murders between 1948 and 1958, before Charlie got started.

° INTERVIEW WITH BILL KRIEFEL.

(LINCOLN JOURNAL REPORTER - 1955 thru Present)

-John McArthur came across as more of a Columbo than an F.Lee Bailey. good lawyer, well respected.

-Elmer Scheele was a hard-nosed but fair prosecutor, a policeman's prosecutor. Short-tempered, a bit cold. Great track record.

-Joe Carroll was a damn good cop. He and the department took one hell of a beating after the Starkweather case. They could have been more aggressive, the Lincoln police should have picked up Charlie for questioning.

-Sheriff Merle Karnopp was a good ole boy, a politician - mainly because he had to be. He had to please alot of different people.

-The day the Ward bodies were found it was complete chaos. Sheriff Karnopp engaged in a mass deputization at the court house. Alot of these new deputies looked a bit like Charlie, so people were scared people were going to start shooting each other.

-Chief Carroll and Sheriff Karnopp were at odds with each other after certain actions Karnopp carried out.

-National Guardsmen were armed with sub-machine guns standing in front of the Lincoln bank.

-The security for Charlie during his trial here in Lincoln was incredible, snipers everywhere. They really felt someone was going to take a shot at him, yet they paraded him around to re-enforce the public that he was definitely in custody. And they had more chains on him, I mean it was a show...it was the drama of it.

-Guy Starkweather felt there would be a cloud over the family if Charlie was declared insane. He was a piece of work.

-I hung around with a group of guys back in 56', 57', and we would often meet up with Charlie's group. Charlie would stand off by himself and he'd have to be called over to do anything. Charlie just didn't want to socialize...at all. I don't think he was tough at all, he was a coward.

°INTERVIEW WITH PAUL DOUGLAS (Jan. 16, 1992).

-Worked on Prosecution Team as a Deputy Attorney with Elmer Scheele against Charlie Starkweather and Caril Ann Fugate in 1958.

-Charlie admitted killing everyone except the maid. So we had his testimony and enough evidence to make an easy case against him.

-Scheele took statement from Charlie in the car on the way from Douglas, Wyoming.

-Charlie enjoyed talking to County Attorney Elmer Scheele, Deputy County Attorney Dale Fahrnbruch and myself. He liked us much more than his own defense attorney's Clement Gaughan and William Matschullat.

-I joined Scheele on every murder in Lincoln. It was no big deal when Colvert and the Bartletts were killed, ofcourse we started getting concerned after Jensen and King were found, and things got crazy after the Ward bodies were found. And of all the duties our office had to attend to, I hated to have to go to the autopsies.. they were the worst, I'd always get ill, or duck out before they started.

-During the Starkweather trial - the only thing we were really concerned with was the possibility that the jury might get hung on whether to give him death or life.

-Charlie resisted the insanity plea every step of the way, and it was a terrible case for Gaughan to defend...and he was a good dramatic lawyer, although his assistant Matschullat was sort of a nothing, I don't see why Gaughan even had him there.

-The national exposure was terrible, we hated that. Remember Charlie was the first mass murderer to be tried.

-Scheele was FBI trained, very thorough. Scheele would only spend time on one case at a time - that was it, just one. Me and Dale would take on six or seven at once, hell - we had to.

-The Fugate case was tougher since her age may have prevented her from being tried in an adult court, but we won that ruling in a supreme court decision.

-And then we didn't have a confession from her admitting to anything, but we were able to prove she was not a captive, since she could escaped on several occasions. And that was her defense, that she was a captive.

-You got to remember that the community was %100 against her, and McArthur was no magician - he also had a very rough time.

-John McArthur was sort of like Abraham Lincoln, and came across that way, he was a very effective defense lawyer.

-This is important, you see there was hostility between everyone in our office and Reller, but our office all admired and liked John McArthur. Reller was never a good lawyer, and I think if McArthur had tried this case by himself - it would have been a hell of a lot tougher for us to win. We still would have won, but it would be much harder.

-Charlie's testimony was the kicker against Caril, that's what sealed the lid. Our office all wondered who killed the maid since Charlie did not admit to her death, I mean everybody thought ..heh , who did kill the maid.

-Charlie was the one we really wanted overall. Early on we sensed the hostility between Charlie and Caril, and ...well...we brought things to Charlie's attention, such as things Caril was saying about him in order to get him to testify against her. And we could do that, he was our witness.

-Had Caril's trial ended up as a hung jury, we probably would have tried her on the murder of the Ward maid - Lilian Fencl.

-Joe Carroll was one tough cop, a good chief. He would always grab you when he greeted you, shake with one hand - slap you on the back on the other. Big family man, loved his wife and kid.

-Merle Karnopp was a real nice guy. He dealt with the prisoners as far as transporting them around, jailing and Lancaster county duties.

-William Fugate , Caril's real father, he wasn't all there. I remember poor McArthur was worried what he might say when he showed up outside the courtroom.

-One great little incident that took place during Charlie's trial took place when some deputies gun went off out in the hallway by accident, and what a noise it made, now ofcourse everyone got scared since there were several death threats against Charlie's life so the police all surrounded Charlie.

-One interesting incident at the execution took place 15 minutes before, when an older doctor who was to pronounce Charlie dead had in fact dropped dead himself of heart attack. Ofcourse the reporters said; "That makes 12".

CLEM GAUGHAN

CHARACTER DESCRIPTION
BY DAUGHTER.

Rt. 1.

Box-69

Firth, NE

68358

Michael Larkin
14242 Ventura Blvd, #209
Sherman Oaks, CA 91423

March 18, 1992

Dear Michael:

In response to your telephone call of last week, I am following up with some of the information you requested about my father, Clem Gaughan.

In 1959, my father was 56 years old. He was 5'8" tall, weighed approximately 210-220 lbs, and had a full head of graying-at-the-temples black hair which he wore parted on the side. He was of Irish descent, and fine featured. He would have the beginning of a slight stoop to his shoulders. He would wear glasses only for reading and would take them off while talking to people, often using them to accentuate hand gestures. He was given to white shirts and conservative suits.

My father was a lover of cigars, chewing tobacco, and liquor. He smoked several cigars a day and kept a spittoon in his office for the rest of the time. His lip was frequently full. He was quick to laugh, one of the courthouse 'old guard', and definitely knew his way around the powers of the city of that day, although I think the term 'good old boy' is a bit of a course connotation for him. While he had a professional friendship with most of the principals involved in the justice system, he would have been close to Paul Douglas and closest to Merle Karnopp, with whom he remained good friends until his death.

Clem was one of 11 children of first generation Irish. They were very poor, and he often commented that he had to work from the time he was 7 years old sweeping saloons. He grew up a fighter, and he never lost his wariness of the rich, although he was a self-made man and would have been considered rich when he died. He loved a fight, even to the point of playing devil's advocate. He never lost his sense of where he had come from. Therefore, he emphathized with the less fortunate. He felt we had a great justice system and that guilt or innocence must be proved through the system even if justice was not always served. The alternative was chaos.

Clem was the unofficial public defender of his day. He was often court appointed to represent indigent people, and very often would perform legal services in exchange for a watch, a promise, or a day's work somewhere down the line. He felt those people would always come back to him later, maybe even with money in their pockets, and they usually did. Therefore, when Starkweather was captured, my father had a premonition that he would be appointed to represent him. It would have been a thankless appointment in those times, terribly unpopular and incredibly sensational. He wanted to avoid what he suspected would be in store for his family. On the first of February, he and my mother suddenly left on a month long vacation in California and Oregon. He figured by the time he returned in March the appointment would have been made. However,

upon his return, he was greeted by numerous messages from the presiding judge. In essence, the judge told him that the eyes of the nation were going to be on Lincoln, Nebraska, and there was not going to be any kangaroo trial. He wanted Starkweather to have the best representation. Dad was it.

You asked me at one point why my father brought Bill Matschullat into the case. Although I was never told, I suspect it was because of the volume of paperwork associated with such a trial and that he simply needed help to keep it organized. Matschullat was certainly no trial lawyer.

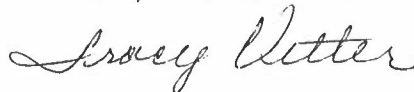
In later years, my father was appointed to be Lancaster County's first Public Defender. He was very proud of having worked for the poor all his life. My mother passed away in 1978, and he finished his term and retired, no longer having the hearing or the desire for trial work. He died in 1983 at the age of 79.

I spoke with Dale Fahrnbruch, now a Supreme Court Justice, last week. He told me that he had declined to visit with you. When I asked him why, he said most of it had to do with how he perceived you were going to deal with Caril - that he just didn't think the real story would be told. As a comment on that, Charles Starkweather told my father, among others, that if he went to the chair, she should be sitting on his lap. My father believed that. However, when Caril became eligible for parole, he said he thought it was only fair. In his opinion, she had served more time than most murderers ever did.

Enclosed you will find a copy of a photograph taken during the Starkweather murder trial. From left is deputy Hasson, Starkweather, Clem Gaughan, and Merle Karnopp. The smaller picture was taken in 1964 and is a good indication of Clem's body type and posture.

Please contact me if you need anything else.

Very truly yours,



Tracy G. Vetter

"Starkweather" Age Breakdowns

IN 1958

Elmer Scheele - 46, dark brown hair, glasses, 6'1.
William Romer - 30, dark hair, glasses, 6'2.
John McArthur - 48, greying brown hair, 6'1.
Robert Ainslie - 29 (looks 22), brown hair, glasses, 5'9.
Jonette Fox - 32 (looks 37), light brown hair, 5'7.
Robert Colvert - 21, clean-cut, brown hair, 5'11.
Sheriff Karnopp - 52, always wore hat, 6'0.
Robert Jensen - 17, dark hair, glasses, 220 lbs., 5'11.
Carol King - 16, petite, 5'6.
Clara Ward - 46, attractive, 5'7.
Lauer Ward - 47, receding brown hair, 5'11.
Clem Gaughan - 54, grey hair, heavy-set, 5'10.
August Meyers - 70.
Velda Bartlett - 35, light brown hair, shapely, 5'5.
Pansy Street - 62, grey hair, glasses, heavy-set, limp, 5'6
Marion Bartlett - 57, grey/brown hair, wore hat, glasses, 6'2.
Bob Von Busche - 18, duck-tail haircut, muscular, 5'11.
Barbara Von Busche - 17, dark curly hair, 5'6.
Mr. Jensen - 42, bald - hair on the sides, 200 lbs., 5'11.
Mrs. Jensen - 40, dark red hair, glasses, plump, 5'6.
Mrs. King - 46.
Warren King - 26.
Mrs. Heflin - 53.
Earl Heflin - 57, slicked-back brown
Mrs. Karnopp - 49, blond-grey hair, glasses, 5'7.
Jim McArthur - 12, curly brown hair.

Gov. Anderson - 48.

Merle Collison - 37.

Joe Sprinkle - 29, dark close-cut hair, muscular build, 6'0.

"STARKWEATHER" Automobile breakdown

* The Three Main Cars;

1. Starkweather's car; **Dark Grey 1949 Ford.** (photo available)
 - Four door sedan, beat-up condition
 - no grille
 - grille area painted red
 - no hub caps on tires
 - License plate # 2-15628

2. Jensen's car; **Blue 1950 Ford.**
 - excellent condition
 - twin antennae on rear fenders
 - whitewall tires
 - License plate # 2-8743

3. Ward car; **Black 1956 Packard.**
 - excellent condition
 - License plate # 2-17415

* The following is a list of additional period autos that may be needed throughout the film, **bolded** autos indicate first appearance in script.

Scene 2; - Several period cars and trucks passing Charlie on the highway. **Starkweather car.**

Scene 3; - Period **tractor** outside Meyer barn.

Scene 6; - Starkweather car.

Scene 9; - Bobby Colvert's auto parked outside Gas Station.

Scene 10; - Starkweather car.

Scene 20; - Several **Lincoln Police cars**, and about half a dozen period autos parked in area. In addition, a period **black hearse.**

Scene 21; - Starkweather car.

- Scene 32; - Several period autos in front of High School.
Starkweather car.
- Scene 48; - Period **taxi**.
- Scene 59; - Lincoln police car.
- Scene 61; - Lincoln police car.
- Scene 66; - Starkweather car.
- Scene 69; - Period auto.
- Scene 82; - Several Lincoln police cars, plus about eight
period cars and a **black hearse**.
- Scene 83; - Period pick-up truck (beat-up condition).
Starkweather car.
- Scene 91; - Starkweather car.
- Scene 96; - Several period autos.
- Scene 97; - **Jensen car**.
- Scene 103; - Starkweather car.
- Scene 107; - **Nebraska State Police car**. Period auto.
- Scene 108; - Period tractor. Starkweather car.
- Scene 110; - Several Nebraska State Police cars, Lincoln police
cars and four period autos.
- Scene 117; - Jensen car.
- Scene 121; - Several period autos, Lincoln police cars.

- Scene 123; - Two period **freight trucks**, Jensen car, period auto.
- Scene 129; - Several period autos.
- Scene 131; - Jensen car.
- Scene 134; - Half a dozen brand new, expensive period autos.
- Scene 136; - **Period milk-truck.**
- Scene 138; - Sheriffs' auto, plus one period auto.
- Scene 140; - Additional **1956 Packard** auto. (not the same as main Ward car).
- Scene 159; - Ward car.
- Scene 162; - Ward car.
- Scene 169; - Ward car.
- Scene 173; - At least a dozen Lincoln police and Nebraska State police cars and several period autos.
- Scene 174; - Several period autos.
- Scene 176; - **Period U.S. army trucks and jeeps.**
- Scene 182; - **Douglas Police car.** Ward car.
- Scene 188; - **1957 Buick.** Ward car.
- Scene 194; - Green period car.
- Scene 197; - **Unmarked police car.**

- Scene 209; - Ward car.
- Scene 213; - Unmarked police car.
- Scene 214; - Douglas police car.
- Scene 222; - A dozen period cars and trucks.
- Scene 247; - Two unmarked police cars. Douglas police car.
Several period cars.
- Scene 248; - Several police cars - Wyoming I.D.
- Scene 250; - Eight **Wyoming** and Nebraska State police cars.
- Scene 251; - Several period autos. Douglas police car.
Wyoming state police cars.
- Scene 262; - Jensen car.
- Scene 273; - Half a dozen period and local police cars.
- Scene 289; - Two period cars.
- Scene 296; - Jensen car.
- Scene 298; - Starkweather car.
- Scene 299; - Jensen car.
- Scene 319; - Jensen car.
- Scene 326; - Ward car.
- Scene 331; - Period autos. Lincoln police cars.
- Scene 352; - **1976 auto.**

James McArthur on Caril Fugate Case

I received a telephone call from Judge Harry Spencer who was a judge of the district court in Lincoln in January of 1958. In that telephone call, he told me that he was appointing me as the attorney for Caril Ann Fugate, a fourteen year old girl who was being held as a prisoner, and actually, confined in the Lincoln State Hospital, which was a mental institution for the reason that as a fourteen year old, it would be unlawful to put her in jail where people were usually held pending trial for serious crimes.

This was possibly the first time that there had been a series of murders for no very apparent reason which were unconnected, so far as the victims were concerned, but which followed a pattern indicating that they were committed by the same person or persons.

The mother and step father and three year old half sister of Caril Ann Fugate were murdered in the family home in north Lincoln by being shot, stabbed, and beaten. The bodies were placed in an old shack in the back of the house and covered with an old rug. A few miles away, a young man and his girlfriend, Robert Jenson and Carol King, were seized and taken to an old abandoned storm cave on the sight of a former country school. They were shot and dumped in

this old cave, and a few rocks and pieces of lumber thrown over the door of the cave.

Both Charles Starkweather and Caril Fugate waved extradition and were returned to Lincoln, Nebraska and were charged with the murder of Robert Jenson and Carole King. And Charles Starkweather was in the county jail, and Carol King, uh, Caril Ann Fugate was being held in the Lincoln State Hospital as a prisoner.

Charles Starkweather was 19 years old, he was uneducated, extremely near sighted, rather small for his years and had been employed as a helper on a garbage truck, but had no significant record of any kind up until that time. This was the situation when I received the telephone call that I was appointed to defend Caril Ann Fugate.

In order to understand the problems presented in this case, in making a defense, and in fact investigation the case, it is necessary to remember that these events happened before the great reforms in the handling of criminal cases and in criminal justice made by the Earl Warren court, that is the Supreme court of the United States and which required all federal and State courts (TAPE CHANGE) to change their procedures. And, to actually, according to accused persons, the rights guaranteed in the constitution.

In 1958 it was common practice to hold an accused person incommunicado to prevent such person from talking to an attorney, or in fact, anyone else for that matter until the law enforcement people, both prosecutors and police, had questioned the suspects all they wanted to. There was no such thing as the right to the assistance or the advice of an attorney or the protection of search warrants. And

the result frequently was, and certainly in the Fugate case was, that before the prisoner saw a friendly face, the police and her accusers had built up a formidable case by extremely questionable means.

When I talked to Caril Ann Fugate for the first time, she had been repeatedly been questioned by various police officers and the county attorney and his deputy. The statements had been typed up, including long question and answer sessions. And of course I knew from experience with other cases that these statements would be extremely vast, and of dubious value in assessing what really happened. And of course, when the subject was a fourteen year old child, I knew perfectly well the officers could get anything at all into her statement, and she would be completely powerless to do anything about it.

When I first saw Caril Ann Fugate, she was very frightened and stewed (??). She weighed about 85 pounds. She was an 8th grade student, and of course at that time, an orphan, since her mother and step father and baby sister were dead. After doing my best to put her at ease, I established a sufficient degree of confidence that she was willing to tell me her story which was rather simple and straight forward. She had known Charles Starkweather for some time, and had gone with him a few times, but they had broken up simply because she did not particularly like him.

He was something of a braggart, and rather crude in his ways. And she had not seen him for some weeks prior to that day in January of 1958, when she came home from school, got off the school bus at her front door, and when she opened the door she was confronted by Charles Starkweather and a gun. Her family was no where in sight, but he told her they were all right, but under his control. There was no evidence of anything being wrong in the house, as far as a struggle taking place.

Charles Starkweather held her there several days, and she became more frightened as time went on. He tied her up, threatened various things, and when the police came calling, he managed to put them off, and she became convinced that Charlie Starkweather could just about do as he pleased. He finally left the house and took her along on this long, bizarre journey of bloodshed and violence in which she said she was constantly in fear of her life, and several times attempted to get messages to people, when they were close enough, without success. And that while she did not see most of the murders, she was close by under circumstances where she could not get away, nor were there other people close enough that she could make any contact. She became more and more tired until she could barely walk, and finally in Wyoming, when the police closed in, she broke away.

My investigation was followed and mainly corroborated what Caril Fugate told me, and certainly exposed some, um, actions by the law enforcement authorities that were illegal, even by the standards of that day. I went to Wyoming, and talked to the Sheriff who made the capture and his wife, and they told me that CAF was just simply hysterical, and unable to talk coherently while there. I found that she had been induced to sign a waiver of extradition in which she expressly released all law enforcement people of any liability. I also talked to the state patrol officer who was first on the scene who actually stopped Charles Starkweather at the scene of the last murder, and he also corroborated pretty much as to the events that happened there.

I went over the statements taken from Caril Fugate and I could find evidence that these statements were simply manipulated by the people taking them. At no time did Caril say anything in the statements which incriminated her. In fact, at all times she insisted that she was a prisoner herself and unable to escape. But the statements were managed in such a way that they were given grossly false impressions of what happened.

A good illustration, in one of the statements taken by the Deputy County Attorney, Caril Fugate related in detail what happened in a murder in which she told me she had not

even seen. The Deputy Attorney asked her how she knew these things, that she was telling, and she said, "Well, you told me that yourself yesterday." It became quiet apparent that the procedure followed in taking Caril's statement was to ask her about all the events in detail in the absence of a reporter to take notes, and then to go over it several times, and then finally call in the shorthand reporter, and by leaving out certain questions, a very misleading and incriminating statement could be obtained. And the person giving the statement would not realize what was happening, because to such a person it was simply just repeating parts which had just been gone over repeatedly. The finished statement could be made to look about any way the questioner wanted it to look.

I discovered other things in the course of my investigation. For example, Caril told me about writing a note while she was in captivity and putting it in her pocket, hoping she could pass it to somebody. The Sheriff in Wyoming and his wife both told me about this note, and it was turned over to the law enforcement people. Something happened to the note, and it never could be obtained from the state.

Another circumstance which was very important was that I was able to determine with absolute certainty, that at the time Caril Ann Fugate's family was murdered, she was in

school. The time of the murders was established pretty accurately. The teacher in the school, and the bus driver, and other students verified the fact that Caril was in the school, and could not possibly be present when her family was murdered. This circumstance had particular significance because the newspapers, the radio, the TV reports constantly referred to the murder of Caril Fugate's family occurred in her presence and with her participation. This was continued and encouraged by the law enforcement people even after it was established beyond a doubt that such could not possibly be the case. This sort of thing merely illustrates what happened to build up a tremendous prejudice which rendered the trial little more than a farce.

I felt that the only possibility in a defense was to bring out every single fact possible so that anyone who examined the full record could not avoid defending the truth and could not help but seeing what had actually happened to this girl, although the hope of an acquittal at that time and under those conditions, was out of the question. The uh, state of the law, and the state of law enforcement, particularly in cases which received great public notice and in which there was a lot of adverse publicity, is well illustrated in the Fugate Matter.

At that time there was a statute in Nebraska which provided in most simple terms that when any person at the

age of 16 was involved in the case in which such a child was accused of a crime, the court must transfer the case to the juvenile court. No discretion was allowed, and no exceptions were provided under the simple, unmistakable meaning of that statute.. The Caril Ann Fugate case must be transferred to the juvenile court. The Dean of the Law School at the University of Nebraska came to me and said he would like to assist in trying to get the case transferred to the juvenile court because a failure by the court to do so would be in gross violation of the statute and a violation of the constitutional rights of Caril Fugate. I told him I welcomed his help, and we would certainly do my best, but my experience in such cases was that either the law nor the constitution would receive much notice in any of the courts of Nebraska in the Fugate case. After trials on this matter in the County Court, the District Court, and the Supreme Court of Nebraska, we got a final decision from the Supreme Court of Nebraska that the Csril Ann Fugate case would not be transferred to the Juvenile Court because it was not a case. There was no way logic could support this decision, but of course it had wide public support, and the result was that the case was not transferred to the juvenile court.

After the wide spread reforms after a series of decisions of the Supreme Court of the United States under Chief Justice Earl Warren, it is difficult for people to

believe before that time, criminal justice was little more than a farce, but I had learned that over many years of experience.

Charlie Starkweather's case was tried first. And I sat through that, which was a lot of learning all that I could that might help trying the Fugate case. Even though Charles Stark was extremely vicious, it also appeared rather obvious that he was far from sane throughout the trial. His attitude was that the County Sheriff and the County Attorney were his best friends, and he referred to them as "his best pals", "his buddies", where as his own attorney was his enemy because he was trying to prove he, Starkweather, was insane, and of course that was an insult to Charles Starkweather.

Starkweather was the most enthusiastic witness against himself, and of course, he was convicted of 1st degree murder, and sentenced to death. He was the last person to be actually executed in the state of Nebraska for a great many years, because within a short time, reforms mandated by the Warren court became effective, and further executions were held up for more than 20 years. However, he was still living, and was the states prime witness against Caril Fugate.

In her trial, there was no witness who claimed to have any personal knowledge or information that Caril Fugate had done anything wrong, except for Charlie Starkweather. He testified at great length, and I questioned him for two days on cross examination and he testified on the affirmative and on the negative with every possible notification both ways on just about every point. He would say Caril was totally innocent and unadvised, without knowledge, and then a few minutes later would say exactly the reverse.

The whole thing was ludicrous of course. But under the atmosphere that prevailed at that time, people from the highest to the lowest believed what they wanted to believe. I was a post(??) many times by people both well meaning and otherwise told me to expect Caril to get the death sentence. I never did believe that. I simply could not believe that even with all the fury and the passion that prevailed, that 12 people would go so far as impose the death sentence, when they had to know, if they would face the facts, that the case was grossly misrepresented by the state.

Caril testified, and her story was never shaken, and it was consistent, and she testified to about the same thing she had told me on the first occasion I had interviewed her. She was found guilty, but she was not sentenced to death. Within a matter of days, I learned that one of the jurors had placed a bet that Caril would get the death penalty. He

had made that be before he was called to serve on that particular case.

WEAPON CHART ON STARKWEATHER MURDERS.

1. Robert Colvert - Shot with 12 gauge shotgun, which was taken from garage of Bob Von Busch's cousin, Sonny.
2. Marion Bartlett - Shot with .22 rifle (Winchester Pump Model) which was borrowed from Rodney Starkweather for hunting.
3. Velda Bartlett - Shot with .22 rifle (Winchester Pump Model).
4. Betty Jean Bartlett - Killed with hunting knife.
5. August Meyer - Shot with sawed off .410 shotgun (Stevens model 59A) which belonged to Marion Bartlett.
6. Bobby Jensen Jr. - Shot with .22 rifle (Winchester Pump Model) which was taken from August Meyer.
7. Carol King - Shot with .22 rifle (Winchester Pump rifle) taken from August Meyer.
8. Clara Ward - Killed with hunting knife.
9. Lillian Fencil - Killed with knife.
10. C.Lauer Ward - Shot with .22 rifle (Winchester pump rifle) taken from August Meyer.
11. Merle Collison - Shot with .22 rifle (Winchester pump model) taken from August Meyer.

"Starkweather" Costume Breakdown:

TO: Judy B. Swartz
FR: Michael G. Larkin

Throughout the script there are number of distinct costume changes dealing with both Caril and Charlie, but there are very few descriptions given to any of the other principals. So it is important to study the following videos/films;

1. Caril & Charlie. 1988 WOWT-TV Documentary.
2. "Caril"; Growing up in Prison. 1972 NBC Documentary.
3. Starkweather News Footage. 1958-1976.

In addition to the video, there is a book entitled "STARKWEATHER; THE STORY OF A MASS MURDER", by William Allen, which gives excellent descriptions of almost every character's clothing.

The following is a dress breakdown for each of the main characters with (P)=Photo available & (F)=Film available:

Charlie Starkweather - Charlie normally wore tight, low-riding blue jeans, beat-up dark brown cowboy boots, and a heavy, black motorcycle jacket with the collar usually turned up. Extremely nearsighted, he also reluctantly wore rimless wire-frame glasses whenever he drove or watched TV, ect.. His dark red hair was always oiled up and combed in a ducktail, with the hair pulled up to make pompadoured curls. When Charlie was captured in Wyoming, he was wearing this very same outfit. (P)(F).

Caril Fugate - Caril had medium-long dark brown hair that she always wore in a ponytail. During school hours she wore wool skirts above the knee, and either full or cardigan sweaters over a blouse. Charlie gave her a pair of white majorette boots that she wore everywhere. Away from school she would often throw on some jeans, a man's shirt with the sleeves rolled up, and as usual - the white boots. While Charlie would never be without his leather jacket, Caril was the same way about a dark-colored scarf that she often wore around her head. (P)(F).

Bobby Colvert - Only seen once in which he is wearing a white Unionalls worksuit that is in need of a good cleaning. Colvert must also be wearing a wedding-band. His short dark hair was parted on the side and he used brill-cream. (P).

Pansy Street - No set style, but she usually wore plain, second-hand dresses, and a dark-colored overcoat. In addition, Pansy always wore glasses and crucifix around her neck. (P)(F).

Jonette Fox - complete example of what the 1958 career-woman wore at that time. From the make-up to the conservative pearls, she was very fashionable without being flashy. (F).

Elmer Scheele - Usually wore double-breasted suits with piqued-lapels. Very careful with his appearance at all times. Stylish, but never flashy, Scheele's dark hair was neatly slicked back. He also wore glasses, period horn-rimmed style. (P)

Sheriff Karnopp - Always wore one of three hats, from a dark fedora to a conservative suede cowboy hat. Was often photographed wearing single-breasted sport-jackets with long wool overcoats. His ties were always thin and smart. A chain-smoker who would often be seen lighting Charlie's cigarettes. (P)(F).

Velda Bartlett - With very little money, the petite woman dressed as best she could. Although with a 2 1/2 year-old child, she was often had an apron tied around her waist. (P).

Marion Bartlett - Not overly concerned with his appearance, he would usually wear baggy pants and plain shirts buttoned to the top with no tie. He wore rimless wire-framed glasses. (P)

Rodney Starkweather - Usually wore a variety of stylish plaid shirts, complete with jeans. Slicked back red hair and long sideburns. (P).

Gus Meyer - Probably had a total of three or four old shirts that he wore with his jean overalls. Add a worn-out farm jacket and a beat-up cowboy hat and you have old Gus.

Warren King - Not much is known about him, but I suspect at 26 he was probably wearing plain-colored dress shirts and straight-leg pants. No tie, or sport-jackets.

Carol King - Very conservative, thin bright-colored sweaters over white blouses with a small crucifix or pendant around her neck. Long skirts and pat-n-leather shoes with white socks. (P).

Mr. Robert Jensen Sr. - Plain work shirts and loose-fitting pants. Construction boots or shoes. (P)(F).

Lauer Ward - Top of the line everything, but conservative. This was a millionaire who had money and he dressed accordingly right down to his gold tie clip and cuff-links. (P).

Clara Ward - Same as her husband, high society conservative. An extremely classy woman. (P)>

Lillian Fencel - Simple, sweet dresses for the maid. She would most likely be wearing an apron, and she wore glasses. (P).

Gov. Anderson - Dressed very well, like his friend Lauer Ward, but his style was more refined with tweeds and dark ties.

Robert Ainslie - The Douglas, Wyoming Chief of Police wore a basic police uniform with a single-breasted jacket complete with matching pants. He also had a badge on his left chest pocket, and a badge on the center of his police hat. In addition, he wore horn rim glasses. (P)(F).

Bill Romer - The Wyoming Deputy wore a cowboy hat and horn-rim glasses, along with a shirt and tie covered with a thick wool/nylon coat. His beige pants had a dark stripe running down the sides. (P)(F).

Clem Gaughan - Flashy dresser who loved to put on a show. Very polished look, more like a salesman than a lawyer. Often carried gold-plated pens sticking out of his suit-jacket pocket. (P).

John McArthur - Very humble, reserved man who dressed how he was. Not very concerned with his clothes, and his suits and sport jackets were probably a few years old. Very drab colors. (P)(F).

SUMMARY OF FUGATE REFLECTIONS, JANUARY 26, 1992

1. Charlie reassured people he would not harm them. Not one victim resisted.

2. Charlie justified his actions saying victims were a threat to him. He perceived them as approaching him, even though in actuality they were retreating, passive or even tied up.

3. He would be calm, but as he became more agitated, she would later on see that this was a build-up to some type of incident.

4. Caril believed him each time he said he would not harm the victims. She now feels it was imperative to believe this to maintain her own composure.

5. She felt that if he would do this to these victims, he would do it to her or her family.

6. On two occasions she says as she witnessed the killings she could see herself screaming as she seemed to be standing beside herself--but couldn't hear the screaming.

7. Charlie gave her a choice of either masturbating her or she could do him. She didn't want him touching her, so out of fear she did him.

8. There would be long periods of silence as they rode, punctuated by monologues that had no relevance to what was happening or even acknowledging her presence. It was as though he started in the middle of a conversation and then

MEMO

To: Michael Larkin, Faxed to (818) 986-8226

From: A. James McArthur

Date: December 21, 1992

Re: Conversations with Caril

I talked to Caril yesterday by phone and asked her the questions you posed to me Friday evening and before, and I also am providing information from the three hour talk I had with Caril on the Sunday following Thanksgiving. I will list the information I obtained in my talks with her as I think of it.

1. Caril and her family were members of the Nazarene Church prior to the incident. She told us that they had pretty much stopped going to church, however, since her mother's divorce from her father. I got the impression that was because divorce carried quite a stigma in that church at that time as it is a very fundamentalist church.
2. Caril was very happy to hear about the new witness you told me about last week. She confirmed what the deputy told you about Romer refusing to intervene between Charlie and Sprinklo. She told us that as she ran from the Packard to Romer's vehicle she thought she would get a bullet in the back at any time. She doesn't know how long they were in the car before Starkweather left but said Romer did nothing to stop Charlie. She said that after Starkweather took off they drove on into Douglas as if nothing had happened. No lights or sirens. She couldn't believe Romer had the nerve to fight Sprinklo for the reward money. She had not known that.
3. I asked Caril about what TV shows she and Charlie watched in 1957-58 and she remembered watching TV with him but said it didn't make much of an impression on her. She believes it probably would have been either old detective or westerns. She said Charlie would often fantasize about being a gunman in the fashion of Billy the Kid. When I pressed her on his fantasies she said that he actually would say that he had been born too late, that he should have been born in the old west. She believes he would like to have ridden with the old time gangs like the James or Dalton gangs which one time operated in this area. In fact, you may be interested to know that there is in Lincoln a place known as "Robbers Cave" which is a sandstone natural cave located near the penitentiary which, legend has it, was used by Jesse James and other outlaws. I didn't think to ask her whether they ever went there. It was a very popular place for couples to go at that time and, in fact, I have been there for high school parties about that time.
4. ^{my} In my previous conversation with Caril just after Thanksgiving I asked her what was the difference between those Starkweather killed and those, such as the farmer who helped them get unstuck after the teenager killings, whom he did not harm. She said she thought it was that those whom he did not harm had not crossed him in any way. I asked her how Robert Jensen had crossed him since she said the teenagers cooperated in every way. She

replied that when they first got into the car Jensen asked Starkweather for the guns they were carrying. Starkweather replied that the guns were unloaded which seemed to satisfy Jensen. But she thinks that that minor crossing of Starkweather was enough to convince him that Jensen was a potential threat even though he did everything Starkweather asked him to do.

5. With regard to the Ward house killings she told us that she was unaware until after she was in custody that the maid was deaf. She thought she either didn't understand english or had a speech impediment. She said she tried to tell her that she, Caril, was not helping Starkweather. They went into the bathroom where she heard the fight with Ward and the shot. She knew what had happened. Starkweather came to the bathroom and told her they better come out then. She was afraid not to. She doesn't know why he killed either the maid or Mrs. Ward except that they were potential witnesses. Neither did anything that could have been interpreted as a threat to him.
6. I asked Caril if she would be willing to meet Fairuza Balk before filming began and talk to her about her experience. She told me that she would very much like to do that. You may be interested to know that when she was here several wooks ago she expressed great confidence in you and feels that you have always leveled with her. Although she still wishes the story weren't being done at all she is resigned to the fact that somebody would do it and is glad that you are involved in it. For that reason she is now willing to give you assistance in seeing that she is portrayed accurately and fairly. Let me know if you want to do this and I will contact her for you about setting something up.
7. I have a tremendous respect for Brian Dennehy as an actor and think he can bring a lot to the role. I would very much like to meet him before he starts his role to give him some idea of who my father was, how he conducted himself both inside and outside the courtroom, and, most importantly, what motivated him to keep on with this case. I think knowing that is essential to understanding why my father was so dedicated to seeing that justice ultimately prevail for Caril, even though it never really did. I think Brian knowing who my father really was will add greatly to his portrayal of him, and hopefully, add to his respect for what my father tried to do in this case, and what he tried to teach me about the actual administration of justice under our system of jurisprudence. Dad taught me more than law in this case, he taught me the meaning of principle, dedication to a cause you believe is right, and how important, and really fragile, our constitutional rights really are.

Jim McArthur

SUMMARY OF GROSS ANATOMIC FINDINGS

1. Apparent gunshot wound of skull with apparent entrance over vertex of skull and with associated skull fractures, intracerebral hemorrhage, maceration of right occipital lobe of brain and with scattering of metallic and bone fragments in substance of brain particularly the right posterior areas (See above descriptions).
2. Marked subdural and subarachnoid hemorrhage, with cerebral edema.
3. Multiple soft tissue lacerations of skin and deeper structures of neck, posterior thorax, etc. - see above.
4. Multiple previous old surgical operative procedures in upper abdomen with cholecystectomy and gastroenterostomy.
5. Early post mortem degenerative changes in soft tissues.
6. Early freezing of soft tissues of body.
7. Mild patchy aortic arteriosclerosis.
8. Chronic bronchitis with bullous emphysema.
9. Chronic fibrous pleuritis - bilateral.
10. Bilateral chronic fibrocaceous granulomata of upper lobes of each lung.
11. Chronic perisplenitis.
12. Numerous upper abdominal adhesion tags secondary to old operative procedures.
13. Aspiration of bloody mucous in larynx, trachea and bronchi.
14. Congestion and edema of lungs.

FHT/sbh

Frank M. Tanner, M.D.
Drs. Tanner, Miller & Papenfuss
by Dr. Tanner

for a distance of approximately 6 cm. Epidural hemorrhage in these areas is minimal.

Dura and dural sinuses - the dura appears intact. There is moderate ~~de~~generalized subdural hemorrhage of relatively minimal character.

Leptomeninges - there is marked congestion of the leptomeninges with rather diffuse subarachnoid hemorrhage over the brain. This, however, is most marked over the left frontal region.

Brain - weight is 1090 gms. There is some flattening of the convolutions and narrowing of the commissures. On section homogeneous gray and white brain tissue in which there ~~are~~ architectural markings prominent and distinct throughout. There is a good deal of hyperemia of the brain substance with rare petechiae. No avulsion of brain tissue nor distinct laceration of the brain is seen.

Basal vessels - intact. Not remarkable.

Pituitary - unchanged.

Base of skull - as previously mentioned.



GROSS ANATOMIC SUMMARY

1. Multiple skull fractures including:
 - A. Fracture of left frontal bone with overlying lacerations of skin and with extension of fracture over base of skull in anterior fossa to involve the left sphenoid bone, greater wing.
 - B. Fracture of occipital bone, posterior fossa, right.
 - C. Depressed fracture of left posterior frontal bone with overlying laceration of scalp.
 - D. Fracture of left posterior parietal bone with overlying laceration of scalp.
2. Fracture of mandible in midline.
3. Subarachnoid hemorrhage, most marked over left frontal lobe, and subdural hemorrhage with cerebral edema and hyperemia.
4. Laceration of skin of neck at angle of mandible on left with extension deep into structures of neck.
5. Puncture wound, skin of base of neck on right, posterior.
6. Abrasion and ecchymosis of skin over manubrium of sternum.
7. Hemorrhage into soft tissues of neck, relatively minimal.
8. Edema and congestion, lungs.
9. Retained food material in stomach.

is essentially negative and the calvarium intact. Removal of the calvarium reveals no evidence of epidural, subdural, or significant subarachnoid hemorrhage over the hemispheres. The dural venous sinuses are clear. There is some subarachnoid staining with blood and some extravasation of blood in the posterior fossa particularly on the right side. There is no meningeal exudate. The brain is removed from the skull in the usual fashion and is found to weigh about 1570 gms. The vessels of the Circle of Willis are normally arranged. The right cerebellar hemisphere and right side of the medulla and pons show some blood tinged fluid and appear to be slightly soft but no actual lead pellet penetration can be demonstrated in this area. Left hemisphere of cerebellum is negative. Cerebral hemispheres appear quite normal but on cut surface reveal a small amount of bloody fluid in the ventricles indicating some intraventricular hemorrhage probably extending upward from the fourth ventricle. There is distinct blood on the fourth ventricle and this will be described below. No other focal lesions are seen within the brain substance itself. The ependymal linings of the ventricles are clear. No significant arteriosclerosis identified.

After removal of the brain, careful palpation and dissection of the foramen magnum, removal of the upper cervical spinal cord and investigation of the spinal canal reveals that there is definite lead shot inside the dura and beneath the dura externally in the region of the posterior portion of the foramen magnum, the right side of the posterior cervical region, particularly in the first and second cervical regions. There appears to be fracture of the posterior portion of the foramen magnum in this area and some free lead shot numbering about 3 are found in the region. There appears to be a definite softening and maceration change in the upper cervical spinal cord at this region which I would interpret as being traumatic and secondary to injury from the shot gun blast evident in other parts of the protocol. This is a very difficult area in neck region to explore anatomically and the X-ray studies will assist considerably in interpretation of the above finding.

The pituitary gland is essentially negative. Examination of the base of the skull is negative except for the changes described above. The calvarium and anterior portions of the skull appear quite normal.

SUMMARY OF GROSS ANATOMIC FINDINGS

1. Shotgun wound involving the right posterior neck and occipital area with marked skin and soft tissue laceration, subcutaneous and deep soft tissue hemorrhage, hemorrhage around posterior esophagus and trachea, apparent fracture of right posterior portion of foramen magnum with traumatic injury of upper cervical spinal cord and medulla, laceration of right ear, etc. (See above description for details)
2. Hemorrhage in region of right cerebellar hemisphere with bloody fluid in fourth ventricle and in anterior ventricles of brain.
3. Subarachnoid hemorrhage, localized mostly to right posterior base of brain and cerebellum.
4. Multiple lead shot in skin, superficial and deep soft tissues, epidural and subdural areas in right posterior occiput, etc. (See above description for detail).
5. Mild terminal type bilateral pulmonary congestion and edema.
6. Moderate digested food residue in stomach and esophagus.
7. Large amount of digested food residue in upper small intestine.
8. Minimal arteriosclerotic changes in aorta and coronary vessels.
9. Mild hypertrophic arthritis of spine.
10. Slight deformity of left index finger apparent with probable loss of tip of finger.

800- ENDOCRINE SYSTEM:

Present thymus;

Traumatic hemorrhage about pituitary gland;

900- NERVOUS SYSTEM:

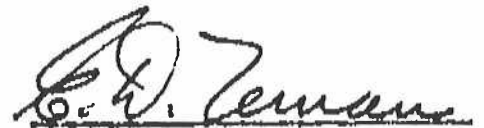
Extensive lacerations of brain tissues, due to multiple penetrating gunshot wounds and bone fragments;

1000- ORGANS OF SPECIAL SENSE:

Extensive laceration of inner, middle, and external ear structures, bilateral;

SUMMARY:

The findings in this body include the multiple lacerations of the brain, due to multiple gunshot wounds, with associated blood loss resulting in death. The contact abrasion of the left cheek indicates the face-down position in which the body rested after death. There is no evidence of other remarkable injury. The genitalia do not reveal evidence of recent orgasm.



E. D. Zeman, M. D.
Pathologist

EDZ:ac

700- GENITOURINARY SYSTEM: (Continued)

of extensive bleeding);
Superficial punctures (3) of cervix;
Corpus hemorrhagicum of left ovary;
No evidence of spermatozoa in vagina;
No anomalies of kidneys, ureters, or bladder;
No anomalies of uterus, tubes, or ovaries;

800- ENDOCRINE SYSTEM:

Subarachnoid hemorrhages of pituitary gland;
No unusual changes of thyroid or adrenal glands;
Recent corpus hemorrhagicum of left ovary;

900- NERVOUS SYSTEM:

EXTENSIVE TRAUMATIC LACERATION AND CONTUSION OF THE BRAIN, EXTENDING FROM RIGHT TO LEFT, DUE TO BULLET, BULLET FRAGMENTS, AND BONE FRAGMENTS;
EXTENSIVE SUBARACHNOID, PIAL, AND DURAL HEMATOMA OF THE BRAIN, GENERALLY;

1000- SPECIAL ORGANS:

Traumatic fragmentation of middle and inner ear structures, bilaterally.

SUMMARY: The significant findings in this body are:

I. CAUSE OF DEATH:

Extensive traumatic laceration of brain, due to penetrating bullet wounds (.22 calibre, single) of the head.

II. RELATED FINDINGS:

Traumatic (sharp instrument), penetrating wound (1) of posterior fornix of vagina;
Traumatic (sharp instrument), non-penetrating wounds (2) of cervix;
Recent superficial lacerations of anal canal with associated "mucus" and blood;
"Brush burn" abrasion of the midline of the skin of the back;
Mud-staining of buttocks and upper thighs, posteriorly; and
Abrasions of the skin of the knees, multiple.



E. D. Zeman, M. D.
Pathologist

* FENCL, Lillian

- 2 -

OA-5-58

800- ENDOCRINE SYSTEM:
No unusual changes;

900- NERVOUS SYSTEM:
Moderate hyperemia of the brain;

X00- ORGANS OF SPECIAL SENSE:
No unusual changes.

* SUMMARY:

The findings in this body are those compatible with death by violence through incised puncture wounds involving the right ventricle of the heart and multiple wounds penetrating the lung tissues.



B. D. Zeman, M. D.
Pathologist

EDZ:ac

EDZ

Clara Ward

* Summary of Autopsy Report

- Death of this person is attributed to multiple stab wounds of the chest and neck. This resulted in the collapse of the right lung, as well as extensive hemorrhaging of the lung into the plural cavity. Much of the blood escaped from the plural cavity due to the stab wounds inflicted on the chest wall.

C. Lauer Ward

* Summary of Autopsy

- The victim was shot twice. One bullet entered the left frontal temporal area and exited the mid-line region of the back of the skull. The other bullet entered the back - 6 inches from the base of the neck, passing through the right lung and exiting the chest. Both bullets were recovered for examination. The victim was also stabbed twice in the neck region with deep penetration. It is believed that the first bullet fired entered through the back.

APPEALS IN CARIL FUGATE'S CASE

Trial/Hearing/Appeal	Who involved for Caril
1. Appeal from decision of District Court denying writ of mandamus to prohibit County Court from trying Caril as an adult in District Court.	John McArthur and Edmond Belsheim, Dean of University of Nebraska College of Law. Appeal denied by Nebraska Supreme Court and remanded for trial in District Court.
2. Appeal to the Nebraska Supreme Court from jury trial convicting Caril of first degree murder.	John McArthur handled all aspects of appeal.
3. Appeal to the Nebraska Supreme Court from denial of motion for new trial based on newly discovered evidence (juror bet).	John McArthur handled both briefing and argument of appeal.
4. Petition for writ of certiorari to the Supreme Court of the United States based on juror bet appeal. Writ denied.	John McArthur handled briefing with some help from Edmond Belsheim of Law College.
5. 1964 - 1st federal habeas corpus petition filed after U.S. Supreme Court <u>Escobedo</u> decision. Based on denial of attorney when her statement was taken. Federal District Court Judge, Robert Van Pelt, issued opinion that <u>Escobedo</u> was retroactive and so would apply to Caril's case. If upheld, it would have had effect of granting a new trial to Caril.	Law professor suggested time was right to file. He had had article he had written for Nebraska Law Review cited in <u>Escobedo</u> decision.

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Caril Fugate Appeals/Hearings

6. Appeal by State to Eighth Circuit Court of Appeals during which time Nebraska rushed through a post conviction act in order to frustrate inmate filings of habeas corpus petitions in federal court. Court of appeals bought State's argument that case should be remanded to State Court to allow post conviction action.

7. 1st post conviction act in State Court - 1966. District Court dismissed it on pleadings. Appeal to Nebraska Supreme Court. Dad hoped Supreme Court would summarily affirm dismissal so we could go back into federal court early. He felt State post conviction remedy was a mere sham designed more to frustrate inmate claims of constitutional deprivation than to give them a real remedy. The Nebraska Supreme Court reversed and ordered a hearing. Dad felt this was done to delay our refiling in federal court.

John McArthur wrote brief but I did much of legal research for it and wrote memoranda for dad for use in case. I also flew dad to St. Louis for the argument in the Court of Appeals and was there when the case was argued.

John McArthur prepared the pleadings and argued the matter both in the State District and Supreme Courts as I was still in law school. I helped with the legal research and preparation of memoranda for dad.

Caril Fugate Appeals/Hearings

8. Post conviction act hearing in State District Court before Judge Hastings (who is now Chief Justice of Nebraska Supreme Court). Surprise admission by trial judge Spencer that he had limited participation by dad's associate, Merrill Reller, in the trial. He had no right to do this. Relief denied. Appeal to Supreme Court resulted in affirmance of denial of post conviction relief.
- John McArthur handled evidentiary hearing before Judge Hastings and was second chaired by Merrill Reller and myself. I contributed legal memoranda for both the hearing and appeal facets of the case.
9. Filed second Petition for Habeas Corpus in federal district court. By this time U.S. Supreme Court had held that Escobedo decision was not retroactive dealing severe blow to Caril's chances. Judge Van Pelt also recused himself this time. Why, we don't know. Judge Elmo Hunter from Missouri was appointed to hear case. After hearing he denied Petition on its merits.
- By this time Reller had died and dad and myself handled all aspects of case. Dad did the evidentiary portion of it (except for his own testimony) and I handled the legal aspects of this. By this time I had graduated and was in practice with dad.

Caril Fugate Appeals/Hearings

10. 2nd Appeal to Circuit Court of Appeals. Caril was told that if she would drop her federal court actions and appeals she could be paroled. She refused. Court of appeals affirmed by a two to one vote with a strong dissent by Judge Heaney. We filed for rehearing en banc. Court denied it on equally divided vote. (One more vote and it would have been granted before entire panel of eight judges).

I believe by this time I had pretty much taken over all appellate matters including both briefing and arguing before the Court of Appeals.

11. Petition for writ of certiorari was filed with the United States Supreme Court. The principal issues on appeal related to denial of counsel. The first was during the taking of her statement when the State provided an educator to advise her rather than an attorney, and the second was the trial court's limitation on Reller's participation in the original trial. It takes four votes to have the writ granted and we got only one, from Justice William O. Douglas. This ended the legal challenges to Caril's conviction.

I prepared and filed the Petition for writ of certiorari to the U.S. Supreme Court.

Caril Fugate Appeals/Hearings

12. In 1972 we applied for a commutation of Caril's life sentence which was necessary before the Parole Board could consider parole for her. The Board voted to commute her sentence to a definite term of years which made her eligible for parole in 1976.

I think I pretty much handled both the application and the hearing before the Board of Pardons and Paroles.

13. Parole hearing in 1976 held at the Women's Reformatory in York, Nebraska. At conclusion of hearing Parole Board voted to parole her to Michigan. Term of parole was for ten years. She was released from parole after five years for good behavior.

I handled the hearing before the Parole Board.

MRS. JENSEN:

I do not change in my opposition for a parole for Caril Fugate -- again, not because I do not believe in rehabilitation or parole, but because I feel the degree of punishment should fit the crime, and considering the brutal way Caril Fugate and Starkweather murdered their eleven victims, her punishment has been very slight. The comment has been made that "she has spent half of her life in prison, which should be long enough to punish a person." However, she has not spent half of her life in prison as the expected life span of a woman is between 70 and 75 years. She could never pay for her horrendous crimes if she lived to serve a lifetime for each of the ten victims she murdered or helped murder, but surely these people's lives should count for more than a little over a year's time each--which is about the time she has served. Carol King was an exceedingly intelligent and beautiful young lady with an inner radiance felt by all who came in contact with her. I think anyone who knew our Bob and Carol would agree that they were gentle, loving children, whose main thoughts were to bring love and happiness to their families and friends, and to help those who needed help--which is what they were trying to do when murdered by Caril Fugate and Starkweather. The facts and proof of this case and the magnitude of the crimes simply are not seeminglly given full consideration, and Caril Fugate changes her answers as often as asked a question and conveniently forgets and distorts the facts of her murder spree with Charles Starkweather. She was sentenced to serve out her natural life in prison by a jury trial, and I sincerely believe they meant for her sentence to be carried out and upheld as determined by the Court's decision, and life imprisonment should mean just that - life imprisonment.

Anything further I could say would only be more repetitious, as I have other statements, supposedly on permanent file, which I'm sure you have re-examined in preparation to reaching a just decision today.

GOVERNOR EXON:

Now, is there anyone else in the room at this time that wishes to appear against. . .

MARSHALL TATE:
(Parole Board Member)

There is a young man, Governor and the Board, that was late and said that he is presently on 18-month probation and would like to speak in behalf of rehabilitation and in behalf of Miss Caril Fugate.

GOVERNOR EXON:

All right. Again, I ask, is there anyone else who is here who wishes to speak in opposition?

No, there is no hand. All right. Thank you very much. We have closed those in opposition.

We had earlier given the opportunity for those who wish to appear in favor, but we are going, after discussing this case with my colleagues, we are going to allow Dale Nitz to come forward. I understand that he wishes to testify for, in this case. Mr. Nitz, would you stand there and be sworn by the Attorney General?

(Duly Sworn)

Dale, the Board appreciates your coming forward. The note that I have here indicates that you are presently on probation for a felony. I think that's fair to put that in the records, but we nevertheless appreciate your coming forward. Would you please go ahead and tell the Board your feelings on this matter and certainly any first-hand knowledge that you have.

MR. NITZ:

Mr. Chairman and members of the Board. Thank you for letting me come up. I'm presently on 18-month probation for a felony which was arson. The judge at that time of my trial was . . . enough to be put on probation for 18 months, and I am very much for the rehabilitation that the State has. I am in the process now working through Rehab, hoping that I can develop a skill through Rehab. The fact that I'm married, my wife is expecting, I'd like very much to see Miss Fugate on a parole or probation for the fact that once a person is out of the Penitentiary or out of jail, or out of a reform school, I feel that they have no possibility to gain a first-hand knowledge on how to learn something with actual people because you have the feeling.

(Mr. Nitz contd.)

O.K. you give them a chance. I'm a high school dropout, I'm now in the process now, I'm going to get my high school diploma because I was given a chance because I, before I got in trouble, I was down on everything because I was a high school dropout and everybody was against me and now I find that even though I did something wrong, and the State was very lenient in helping me I'm going to do all I can to better myself to help the State. And I feel the same way. I think Caril would do if she was given a chance. She's spent quite a while away from everybody except whom she's in the Reformatory with, and I feel that if she's put out in society under restrictions, of course, and is allowed to work with the public in learning a trade or learning a skill herself, I think it would better herself, and it wouldn't be wasting a life, just sitting in the Penitentiary. Maybe she did do something wrong, but I don't see why the Board or the State couldn't give her a chance to make something out of her life.

GOVERNOR EXON:

You are here just as an individual. . . or part-time knowledge or anything. . .

MR. NITZ:

Just what I've heard on radio, read in the papers, and what my own experiences are. No groups, no nothing.

SECRETARY OF STATE
ALLEN J. BEERMANN:

Dale, I have two questions here. Is this your first offense?

A:

This is my first offense. Actually I had a misdemeanor as a juvenile to the Petit Larceny. This is my first, and it's going to be my last.

Q:

I presume that you have served some time in the Complex?

A:

I spent a week in jail, and that was enough.

Q:

Do you think in our society today, do you think an individual is in a complex, a penal complex, as punishment or for punishment?

A:

A little of both. It seems like if a person is given a life sentence I understand, after a certain amount of time, a person cannot appeal the fact of the life sentence, and if they are granted the appeal, then also can be granted parole, I just don't think they can still make something out of their life. She was very young at the time but that doesn't really matter if she's old enough to make up her own mind.

GOVERNOR EXON:

Any further questions? Thank you very much.

A:

Thank you very much.

GOVERNOR EXON:

I'd like the following two ladies to stand. Becki Hocker and Barb Suerley. Are they in the room? Were you both here when we started the hearing? You were. Thank you very much. I have a request from these two ladies to testify in support of Caril Ann Fugate. They were here at the time that we allotted for those to be heard as opposed to the last gentleman that was not here. What is the feeling of the Board in this?

Ladies, would one or both of you stand again, please. We certainly are leaning over backwards to be entirely fair in this matter. You were given opportunity to testify earlier. Did you misunderstand the declaration of the chair when we started out or did you just decide later on that it would be appropriate for you to make some comments?

MARSHALL TATE:
(Parole Board Member)

. . . They stated that they were concerned about the matter of rehabilitation, and they wanted to speak on that in behalf of Caril Fugate so it was after that note was struck that their concern to speak arose.

GOVERNOR EXON:

The Chair rules that we think it would be out of order for them to testify on that matter at this time.

ATTORNEY GENERAL MEYER:

I have one other question of Mr. Greenholtz. Mr. Greenholtz, the additional testimony which the Board of Pardons asked you to take from Miss Fugate. Has that been made public?

MR. GREENHOLTZ:

Yes, sir.

SECRETARY OF STATE
ALLEN J. BEERMANN:

The October 5th testimony. It should be a part of the public record

MR. GREENHOLTZ:

We have this, this pertains to a discrepancy in the two applications

ATTORNEY GENERAL MEYER:

The October 5th should be a part of the public record except I would like to add that part of that remain confidential, the part of it which refers to possible parole plans which might identify individuals. I don't feel that that should be made public because if parole is granted, information about the individual involved is actively right now prejudiced and could ruin any possible parole plans. Outside of that, I feel very strongly that the additional must be a part of the public record.

MR. GREENHOLTZ:

It would have to be deleted from this then.

ATTORNEY GENERAL MEYER:

If the press wants to see it, then they can see it with the absolute understanding that under no circumstances would they reveal the name or circumstances of a possible parole plan. Now if they are willing to see it with that understanding, I would have no objections. Otherwise, I don't think that it should be seen at all. I think it's important that it be a part of the public record. . . for additional testimony but not that part which we didn't ask for. Up to this point, we cooperated with the Board and with everyone and if there is a parole, we wouldn't want this revealed in advance.

SECRETARY OF STATE
ALLEN J. BEERMANN:

That would be the last page, John. Third to the last page. Fourth to the last page, there, starting with Blankenship. It's the fourth to the last page.

MR. GREENHOLTZ:

Now, when we get into it, it's just a matter of conversation with Miss Fugate at the time we were. . .

SECRETARY OF STATE
ALLEN J. BEERMANN:

It's the fourth to the last page.

ATTORNEY GENERAL MEYER:

What's the number of the page?

SECRETARY OF STATE
ALLEN J. BEERMANN:

It's Page 16. Starting at the top.

MR. GREENHOLTZ:

Starting at the top. I think we could delete that and let them have the rest of it. That could be a part of our record, and let the rest be a part of public record. . .

Would it be agreeable if we would have these interested in these particular documents to come to our office so we could sit down and discuss this and make certain this could be kept confidential?

GOVERNOR EXON:

Well, I think that we can agree with the press on this matter. I think that we should identify at this time with the checkmark of the copy that you're going to present to the Board. Why don't you just draw a circle around the matters there that we feel for our decision should be confidential, and we will present that to the Board with the understanding that that part circled is of a confidential nature and opportunity for the ladies and gentlemen of the press to review with the understanding that that particular portion is. . .

SECRETARY OF STATE:

Page 16, I guess.

ATTORNEY GENERAL MEYER:

I believe they'll generally agree if they don't. . .

SECRETARY OF STATE:

All of pages 16 and 17. Through all of that.

GOVERNOR EXON:

We accept this then as the last of the official record we will present to you and those entitled to it. At this time, the State Board of Pardons will go into Executive Session. We would like to have the room cleared except for the members of the press and the members of the Parole Board. We would like to ask those to remain.

SECRETARY OF STATE:

I move we go into Executive Session.

ATTORNEY GENERAL MEYER:

Second

GOVERNOR EXON:

Moved and Seconded. All in favor signify by saying "aye".

ATTORNEY GENERAL MEYER
and
SECRETARY OF STATE:

Aye

GOVERNOR EXON:

Motion carried.

IN OPEN SESSION:

ATTORNEY GENERAL MEYER:

I move we go into open session.

GOVERNOR EXON:

Do I hear a motion.

ATTORNEY GENERAL MEYER:

I move that the commutation of the life sentence of Caril Ann Fugate be denied.

(MOTION DIED FOR LACK OF A SECOND)

SECRETARY OF STATE BEERMANN:

I move that the life sentence of Caril Ann Fugate be commuted to a term of not less than 30 years nor more than 50 years.

GOVERNOR EXON:

I second the motion.

VOTING AYE:

Secretary of State Allen Beermann and Governor Exon

VOTING NAY:

Attorney General Clarence Meyer.

GOVERNOR:

The meeting is adjourned.

OPEN SESSION - PARDON BOARD

Caril Ann Fugate - October 10, 1971

GOVERNOR EXON

Since we are in open session, Mr. Attorney General, do you wish to make a motion?

MR. MEYER

I would move that the commutation be denied at this time.

GOVERNOR EXON

It has been moved by the Attorney General that this matter be put aside at this time. Is there a second? I declare that this motion has died for lack of a second. Do you have a motion?

MR. BEERMANN

I would have to question first, Rose Marie, does this tentative schedule, is this fairly accurate as of this day?

MRS. JOHNSTON

I believe so, yes. She had no loss of good time, and she was sentenced prior to passage of LB1307.

MR. BEERMANN

I'll move that with regard to the application of Caril Ann Fugate, the matter of commutation, that her life sentence be commuted by the Pardon Board to a term of not less than thirty nor more than forty years.

GOVERNOR EXON

Do I hear a second?

GOVERNOR EXON

I second the motion.

MR. BEERMANN

Discussion?

GOVERNOR EXON

Any further discussion?

MR. BEERMANN

John, I have a question. If the motion carries we've got this to forty. She would become eligible presumably, the thirty year comes somewhere in May of 1976. The annual reviews, are they still in June?

MR. GREENHOLTZ

Yes.

MR. BEERMANN

So presumably in June of 1976 she would become eligible, all other things being equal.

MR. GREENHOLTZ

Right, if she doesn't come any time for any disciplinary reasons.

MR. BEERMANN

You could keep her on parole then through the period of presumably March of 1982? Is that long enough parole period? John, how would you feel?

MR. GREENHOLTZ

That would give us eight years of supervision. I would say that that would be right. That would give us lots of time to bring her back and take another look if she didn't live up to the parole provisions.

MR. NEAL

The Board of Parole can discharge at any time they see fit. She were to go out and not be amenable to society and not be amenable to supervision we could find ourselves in a damned embarrassing spot sitting here. So why go the low maximum when we can discharge her at the minimum?

MR. BEERMANN

That is what I am trying to get to.

MR. NEAL

She's been locked up a long time.

MR. BEERMANN

You don't think ten years would be an adequate test?

MR. NEAL

I just want to throw on the table what the difference is between ten and twenty years. If the Board can discharge her anytime they desire to, what is the difference between ten and thirty years?

OPEN SESSION - PAROLE BOARD

Cell Ann Fugate - October 30, 1973

MR. BEERMANN

I'm amenable to changing thirty to forty-five, which would give you three or three and a half more years.

MR. NEAL

How old would she be if she would have to go back with the maximum then?

MR. BEERMAN

It would be 1985. She is how old now?

MR. GREENHOLTS

29.

MR. BEERMANN

29 and...

GOVERNOR EXON

29 and early 40's

MR. NEAL

We don't want to create a situation where she would have to be dealt with by the State Hospitals rather than an institution where the court committed her. She's been there a long time.

MR. BEERMANN

You can actually release her on parole early, so we don't want to put too low of standards. If she is getting along alright you can release her.

MR. GREENHOLTS

In her particular case, I don't think we should put her on parole at any early dates. I wouldn't recommend it.

MR. BEERMANN

Thirty to fifty? I'll amend the motion to read not less than thirty nor more than fifty year term under the schedule.

GOVERNOR EXON

Further discussion? If there is no further discussion I'll call for a vote on the motion as amended. All in favor indicate by saying Aye.

MR. BEERMAN AND GOVERNOR
EXON

Aye

GOVERNOR EXON

Those opposed no.

MR. MEYER

No.

GOVERNOR EXON

Motion has carried two to one.

PRESENT WERE:

John B. Greenholtz, Chairman; Eugene E. Neal, Member; Catherine Dahlquist, Member; Edward M. Rowley, Member; Marshall M. Tate, Member; Nikki Wright, Secretary; Joannene Douglass, Secretary; Fred Thomas, Parole Administration; Joseph Vitok, Director of Corrections; Marti Conrad, NCM; Jackie Crawford, Superintendent; James McArthur, Attorney; Vicki Dewey, Counselor; G. F. Kuchel, (NK); Margaret Savers; Shelley Possick; Pamela Epp, Handerson Nursing Home; Paul Kirst, Handerson Hospital

SUBJECT BROUGHT INTO ROOM AND DULY SWORN IN

- A. I do.
- MR. GREENHOLTZ: How many times have you appeared before this Board, Miss Fugate?
- A. I don't know how many times.
- Q. You kind of lost track of times?
- A. Yeah.
- Q. As I mentioned earlier, I want you to be as calm as you possibly can and speak out on your behalf. Has anyone went over the parole agreement with you?
- A. This last time?
- Q. Yes.
- A. I went over the parole agreement before, I know what stipulations are on there.
- Q. Are there any conditions that you don't understand?
- A. No.
- Q. You fully understand all the conditions.
- A. Yes.
- Q. Do you feel that you'll have any difficulty living up to the conditions of the parole agreement?
- A. I don't believe so. I've been able to live under the conditions here. I think I can abide by the parole conditions.
- Q. Just tell the Board what your daily activities have been.
- A. I've been working in the Handerson Nursing Home for about two and a half years. The last time I saw the Board was when I took the geriatrics training course, and then I worked as an aide until I hurt my shoulder, and then I . . . for a couple of months or so, and then I went back as sort of a dietician. I prepared special diets and made sure that the diabetics got the insulin and the correct calories, and my hours were from 2:30 in the afternoon until 8:30 at night.
- MR. GREENHOLTZ: What about leisure time activities when you . . .
- A. I do a lot of . . . work, crocheting, watching TV. . .
- Q. Are you taking part in any community programming, action, recreation?
- A. Yes. I take part in all the ones that we have on ground which are the ones you earn through your behavior, going to movies, going bowling, going to church, and . . . until this month, I participated in the vacation bible school.
- Q. Have you ever done . . .
- A. I switched over from . . . because of my work.

MR. GREENHOLTZ: Mr. Neal, do you have any questions to ask Ms. Fajate?

MR. NEAL: Caril and I have kind of grown in this business together. She came to York about the time I started work for the Parole Board. She was a 14-year-old girl, a young lady. Caril, there's been some talk about in the event that this Board does parole you, that you will perhaps reside in another state. Do you fully understand the agreement on detainers, I mean the interstate parole compact?

A. Yes Sir, I do.

MR. NEAL: You've made many friends here at the institution, employees at the institution are closer to you than with other employees because you have seniority over most of the. . . And it's going to be quite a shock for you when you leave here to find yourself without all those friends and all the support you had all these years. Do you think you can cope with that situation?

A. Indist. Inequitable. . .

MR. NEAL: You realize that under this interstate parole compact, should we transfer you to another state, that we agree should that state so recommend to come after you upon their recommendation. Do you understand that?

A. Yes.

MR. NEAL: So it behooves you in the event this Board does parole you to realize that we must, by your actions, encourage the support of the parole authorities in that state because it's not what Nebraska wants should be parole you. It's what that compact says, that upon the other state's recommendation, we must carry out Nebraska's obligation, and we want to make sure in the event of a parole that we ask the questions here before it's too late to ask any questions so we'll go down the table here, and we hope that Mr. McArthur will bring out anything pertinent to the case, that if you have any questions, you be sure you ask the Board because somewhere down the road, we don't want Caril to say, "I didn't know."

A. There is one question I would like to ask. Being in the position I am, what kind of action could I possibly take in the future to eliminate the publicity that I would like to avoid? I mean, if I'm placed in a position where I'm trying the best that I can, I'm working, maybe later on in the future I get married or something, what stipulations do I have that I can protect myself? Indistinguishable. . . I do not wish to get interviewed now or in the future. I do not wish to be on the Today Show or Mike Douglas or anybody else's show. I simply want to go out and do the best I can. . . to the best of my ability, and this is all I want, and I do not want any publicity.

MR. NEAL: You will have to, by the virtue of the spot that you've put yourself in, a certain amount of publicity is going to be attached to you. You're aware of this. But your counsel, Mr. McArthur, can advise you of the various ways that you may protect your rights as far as privacy is concerned. The Parole Officer in the state that you will go to in the event of a parole, he will be briefed on the privacy that you desire and working within the structure of the local, . . . and the civil rights laws, I'm sure the privacy you have required will be secured. It's not going to be easy. You're aware of this, or you wouldn't have mentioned it here, but certainly the parole authorities will do everything they can to give you safeguards necessary for you to be a productive citizen and give you a chance to live. That's what you're asking for.

A. Right.

MR. NEAL: Thank you, Mr. Chairman.

MR. GREENHOLTZ: In order to make this transition, Caril, you're going to have to

MR. GREENHOLTZ: learn to say no to people trying to get you to get. . . You have a right to live your life, I think under the circumstances, as a normal citizen. However, you will be under supervision. How you make this transition is strictly up to Caril Fugate and the aid of your parole supervisors. You asked a question, and you're represented by counsel, but there are certain rights that you do have. . . in the event this Board makes that determination. Mr. Rowley, do you have any comments or questions of Caril?

MR. ROWLEY: Well Caril, I too have visited with you on numerous occasions while you were here, and the one question that I would pose, and if my memory serves me correctly, at your last hearing was something to the effect that where does retribution end and where does rehabilitation take over? And I think you remember that. Hopefully today, with the responsibility of this Board, possibly an answer can be arrived at. Another question that I asked you at one other time, . . . going through my mind. My function, as I see it, as a member of the Nebraska State Parole Board, is to protect society, not to protect the vindictiveness of society. Now over the years and in the last few weeks, and I feel it should be brought out we have received letters from opposition and favorable letters, telephone calls and everything else, but be that as it may, I still have to bring up one other thing that with your toil, years of incarceration, you have never received even one write-up. Is that true?

A. Yes.

MR. ROWLEY: You have never received a disciplinary report.

A. Not to my knowledge, I have not.

MR. ROWLEY: That is really something. We know that no matter what the outcome of this is, and I think that, I think it was an English author . . . said something to the effect about the cruel fellowship of sorrow, and this is dwelled on here a little bit later. It's a . . . phrase that fits into the whole realm of life. Everyone will not be happy and everyone will not be sad, but it's an overall aspect of. . . so at this time I'm going to ask you, as Mr. Neal did, do you have any questions you would like to ask of the Board, any comments that you would like to make before I defer back to the Chair?

A. Indistinguishable. . .

MR. ROWLEY: You're welcome. Thank you, Mr. Chairman.

MR. GREENHOLTZ: Reverend Tate.

REV. TATE: I think you've already spoken to the matter of wanting to be just a person, and I'm glad you spoke to it rather than I having to mention it. Indistinguishable. . . and it's through your desire not to be some kind of a . . . goddess. Let me ask you this. Are you thoroughly satisfied with your choice of where you're going to live? I want you to be satisfied with that. Is this totally your choice based upon a friendship and a relationship established?

A. Yes.

REV. TATE: You're very satisfied with that?

A. Very satisfied.

REV. TATE: What about the employment situation, and if I could foresee the kinds of problems that you are going to have to deal with immediately, it might be exploited aspect, that . . . Is this company in any way related to the people that you're going to be staying with it? It is.

A. Yes. It is a private-type employment.

- REV. TATE: Okay, so you're going to have some safeguards built in there?
- A. Yes, right.
- REV. TATE: That was my concern. That's all I have. If the Board sees fit to grant you a parole today, all the blessings go with you.
- MR. GREENHOLTZ: Caril, is this clerical-type work?
- A. Yes.
- Q. The same type of employment that was formulated while. . . Mrs. Dahlquist.
- MRS. DAHLQUIST: Caril, because I don't know you quite as well as the other members of the Board, I have it won't. . . you if I ask you a few questions. With regard to Mr. Rowley's question, having never received a disciplinary report, have you ever found yourself in a position where you have become angry, upset, lost your temper over anything that may have happened while you were in the institution?
- A. Yes, I have. . . indistinguishable. . . which I thought were totally wrong and there were times when I don't always agree with the warden. I don't always agree with the discipline, and I have flared up, and I have apologized back to. . . And there's been times and after we've discussed it and everything, I think both parties. . . that both parties were wrong. It is not just a one-sided. . . indistinguishable. . .
- MRS. DAHLQUIST: Why do you feel that you should be paroled today?
- A. I feel I should be paroled today to, the statutes say, with the time I've served, with the recommendations of the institution, and the commutation that is as far as I'm concerned, the time has been served for the crime that I had been committed for, and I feel that I have served my time as far as society demands. . .
- MRS. DAHLQUIST: Do you see any benefit for yourself by further incarceration in here?
- A. No, Ma'am, I do not.
- MRS. DAHLQUIST: You mentioned earlier to one of the other Board members that you did not wish to be exploited or have any special appearances and what have you. How would you feel that to comply with your wishes, the Board would make those requests of yours and special conditions of your parole for a period of years?
- A. That would be fine with me, absolutely. I'm not saying one thing to get out and then turn around and go out and flaunt. . . I'm not saying one thing here and doing another thing. This is why I absolutely refuse that any interviews in any way, shape, or form, I say absolutely no, and I'm not going to budge from that.
- MRS. DAHLQUIST: If the Board would consider that to be a special condition of your parole, what time limit do you think should be placed on you?
- A. Whatever the Board would decide.
- MRS. DAHLQUIST: . . . figures of, say, five years, ten years. How will you react, Caril, within society if you find yourself in an unfortunate position where some members of society would not be acceptable? What would be your reaction to that, that I'm sure you will be encountered with sometime during your parole?
- A. Well, I have experienced that in here, and I've also experienced it at work, and I feel this way. It's strictly as I am, and not for what's occurred or what you think. It's for what I am, and if someone can't accept you on those grounds, then they're not. . . In the long run, you're the one who is going to get hurt, not them. Indistinguishable. . . I have misjudged other women. . . but I've learned

- A. something too. I appreciate tho. . .It's not that I think I'm better than. . .indistinguishable. . .
- (CONTD.)
- MRS. DAHLQUIST: Have you found any change within yourself since the time of the commutation?
- A. I feel. .indistinguishable. . .
- MRS. DAHLQUIST: What are some of the accomplishments that you've had since you've been incarcerated, Caril?
- A. In what area?
- MRS. DAHLQUIST: In self-betterment.
- A. In self-betterment? I think I can judge people. .I think too, compassion. . .indistinguishable. .I took pride in the people who for 18 years have hated me so bad, it has destroyed their life, and it has made their life more. . .
- MRS. DAHLQUIST: Have you taken any special courses in. .
- A. I took geriatrics training. .indistinguishable. .
- MRS. DAHLQUIST: What do you feel you've missed most while you were incarcerated?
- A. Indistinguishable. .
- MRS. DAHLQUIST: What do you want most out of life?
- A. I'd like to settle down, get married, have a couple kids, you know, set up a house, clean. .an ordinary housewife.
- MRS. DAHLQUIST: How do you see yourself spending your leisure time when you're not working if you would be paroled?
- A. If I could and if it's at all possible, I'd like to work maybe with teen-age children. I've been in the. . .
- MRS. DAHLQUIST: Special problems?
- A. Yeah, special problems. Some kids who just need somebody to care enough. .indistinguishable. .
- MRS. DAHLQUIST: I think every little kids feels that way. Is there anything that you would like to ask the Board, any other questions that may have come to mind?
- A. No, I can't think of any.
- MRS. DAHLQUIST: I have nothing further, Mr. Chairman.
- MR. GREENHOLTZ: Reverend Tate.
- REV. TATE: I have one question, Caril, and it was sparked by something you said that this was a year of many kinds of emotions, and I wonder then, and I think you can help us as a Board, if yours was an exception within. . .of the statutes that we have, we normally do not set anyone past six months, but the statutes give us the loeway to, in special cases that we feel are important, that we can set a person, and we set you a year ahead, and I'm thinking that you know that you have a hearing set for you rather than go for another six months, another six months, another six months, this kind of thing. My question is, do you think that was wise?
- A. Yes.
- REV. TATE: Do you think you would have preferred to absolve the six month route and then reviewed?
- A. I think so.

REV. TATE: Thank you.

MR. GREENHOLTZ: You took my words right out of my mouth.

REV. TATE: I'll give them back to you.

MR. GREENHOLTZ: Caril, you don't feel that you're going to have any problems whatsoever making a normal transition back into. . .

A. Oh, no.

Q. I'm talking about frustrations. Like we have frustrations. Everyone has frustrations. Anything can happen. Are you planning on getting acquainted with the minister in your community?

A. Yes.

Q. Someone to give you advice. And as for your leisure time activities. You're not going to stay cooped up in a little room. You'll be working no doubt. Indistinguishable. And the Board wants you to live a normal life. You will be under supervision. If you violate the conditions on the parole agreement, you will be subject to be revoked and returned, returned and revoked and recommitted. Do you understand that fully? And you're fully aware that there is opposition, strong opposition. And you have many, many friends and many pieces of correspondence. This Board has the awesome responsibility to make the decision. Indistinguishable. Now we're going to talk to other people here this morning, for and against. Indistinguishable. . . It's unfortunate that you didn't get to do any college work, some college training, but it isn't too late, not yet, if you so desire. Of course, that's up to you. The Board can't make that decision. I think we would like to hear from your counsel.

MR. MCARTHUR: Well, I think Caril was wise. . . in this institution speak much louder and much more adequately than what I can say or anybody else can say. One thing she did say that I would just very briefly touch upon, and I think there are some things involved. . . Indistinguishable. . . I'm only about a year older than she is so I, in a sense, kind of grew up with her. The thing that I have been so impressed about is what a normal person Caril is. . . indistinguishable. . . and I know that my wife and I and our children have been out here on many occasions, and she mentioned having feelings for people and I know how people respond to her. . . I think that is probably the most remarkable thing is that she has been able, within the confines of this institution, and grew up to be a remarkably normal person, and I think that is probably one of most outstanding things that can be said both about Caril and both about the program. Indistinguishable. . . She is aware of these, and the most important thing is she knows how to deal with these problems. This is the thing that I think is very, very remarkable, and I think with those comments, that's about all I have to say.

MR. GREENHOLTZ: Thank you. Anyone else have any questions? Could you identify yourself for the record?

MR. MCARTHUR: I'm James McArthur.

REV. TATE: I'm just wondering, this has been a strong friendship. Are you going to make any recommendations to legal counsel in the area where she's going. . .

A. We haven't discussed that.

REV. TATE: You haven't discussed that yet.

MRS. DAHLQUIST: Caril, you spoke earlier to the Chairman about the problem that you'll readily be confronted with. Who will you talk to or whom will you seek. . .

A. Indistinguishable. First of all, the problems I have. . .

A.
(CONT.)

Indistinguishable. .

MRS. DANLQUIST: Basically the Parole Officer is where it starts. However, the Board would certainly be available at any time if you find it necessary. I don't have any further questions, Mr. Chairman.

MR. GREENHOLTZ: Mr. Neal.

MR. NEAL: I don't really know whether I'm addressing this to Caril or whether I'm addressing it to Mr. McArthur, but Mr. McArthur, you sit there, and you've heard Caril say to the Board that she desires no publicity, and you heard Mrs. Danlquist talk with Caril about publicity. You heard Caril direct some statements to me. Caril wants no publicity. When Mr. Thomas, our placement officer, talks with Ms. Fugate and goes over the parole agreement with her, there's a chance that we will have installed in that parole agreement as part of parole that she'll grant no interviews, appear on no interviews, whether it be television or otherwise, without permission of the Parole Board or the Parole Officer, and if you will intend to resist that in any way or if it is not to your liking, here is the place to state your position.

MR. McARTHUR: No, Caril insists on this, and prior to this time. .indistinguishable. . .Of course, the Board is aware of, she cannot control publicity beyond her means, beyond her not granting interviews. . . Indistinguishable. .

MR. NEAL: Well, she sat here this morning and she's asking us to help her with her privacy. It's certainly a simple matter for the Parole Board to write into the parole agreement, you make no interviews without permission of the Parole Board.

MR. McARTHUR: Yes.

MR. NEAL: And I'm certain that most news media, if they felt it was a violation of a parole to be granting interviews, certainly wouldn't be asking her to be making them. She's asking us to write it in there. Is this right? I think it behooves us, in the event she gets enough votes here for parole, that we structure a parole agreement that protects her just a little bit. If she doesn't have the authority to make these trips to appear on these programs, she certainly can't. . .Do you know what I'm trying to say to you?

MR. McARTHUR: Yes, I do. .indistinguishable. .I know she feels quite strongly about this.

MR. NEAL: What we're talking about here are facts. We're not going to change our thinking. . .So we can probably take care of 75% of that if it's on the parole agreement. Thank you, Mr. Chairman.

MR. GREENHOLTZ: Mr. Rowley.

MR. ROWLEY: I don't believe I have anything further, Mr. Chairman. Thank you.

MRS. DANLQUIST: Just one note, Caril, in regards to the special conditions of the parole agreement, you realize that a violation of any one of those conditions is certainly, . .a probable cause hearing and a possible revocation and being brought back to the institution. Are you aware of this?

A. Yes.

MR. GREENHOLTZ: Caril, you asked for the Board's assistance in. . .Do you think the Board can assist you by making that a special condition of your parole that you not do something like this after you are released? I think that could be a great consideration here. Any other comments, counselor?

MR. McARTHUR: I think I'm finished.

MR. GREENHOLTZ: Thank you, Ms. Fugate, and you may be excused.

SUBJECT EXITED ROOM

WITNESSES BROUGHT FORWARD

MR. GREENHOLTZ: Have you got the tape recorder ready? We will now hear the people that are appearing in opposition for any favorable consideration in this matter. The procedure will be: come up, have a seat, state your name and address so we'll have it as a matter of record. Again, I'll repeat it. Is anybody appearing in opposition for any favorable consideration?

REV. TATE: Is there anyone here today that is in opposition to Caril Fugate's parole? If you are, and you want to come forward and make your statements known to the press and the Board, you may do so at this time. There seems to be no one, Mr. Chairman.

MR. GREENHOLTZ: Is there anyone in the room, in the audience, that has an interest in this matter that would like to come before the Board and state their reasons why they feel that Ms. Fugate should be granted a parole?

REV. TATE: The same procedure then. Would you please come forward and identify yourself? Do you want them to be sworn in?

MR. GREENHOLTZ: Yes. Raise your right hand. WITNESS DULY SWORN IN

MR. KUCHEL: I do.

MR. GREENHOLTZ: Have a seat, Mr. Kuchel. How are you today?

MR. KUCHEL: Fine, thank you.

Q. You understand this procedure.

MR. KUCHEL: Indistinguishable. . Mr. Chairman and members of the Board, my name is G. F. Kuchel. I am a professor of Criminal Justice at the University of Nebraska at Omaha. If it meets with your permission and in the interest of time, I would like to read my statement into the record. "I appreciate the opportunity of being permitted to offer some brief observations concerning the parole of Ms. Caril Ann Fugate. I am appearing here only because I know there's a great amount of sentiment and emotion on both sides of the issues you must decide, and I wish to state some of the factual information which I am acquainted with. Let me state that I have been impressed with the obstructivity this Board has regularly shown in its evaluation of this and other cases. I am confident you will not falter in your objectivity as you make your decision this day. The facts that are pertinent in this situation as I see it tells us that the 18 years Ms. Fugate has served is a great deal longer than the average person serving a sentence to life imprisonment has served. These same facts tell us that she has served her entire 18 years without a disciplinary report. Anyone who has worked in a correctional institution knows this to be unusual. The facts further tell us that she has completed her schooling while in this institution, that she learned the value of work and the self-discipline and patience necessary to accomplish goals. Her protracted period of Work Release testifies to her ability to adjust to the outside world and to meet the work expectations of other people. The positive testimony I'm sure you have received in the form of correspondence speak highly of her friends who are strongly . . . All of the criteria one can use to measure preparedness for conditional release tells us that Ms. Fugate is an exceptionally good risk. If corrections is to have any meaning other than that a means of punishment and retribution, then we must conclude that the process has achieved its ultimate goal for Ms. Fugate. We all know that offenders are institutionalized as punishment, not for punishment. The end process of institutional confinement is to

MR. KUCHEL: the rehabilitated programs that result in supervised release. That process has been accomplished, and I believe it is now time to allow Ms. Fugate the opportunity to make a positive contribution to society." Thank you for your time.

MR. NEAL: Thank you.

MR. GREENHOLTZ: Anyone have any questions? Thank you.

MR. NEAL: The input is really appreciated.

WITNESS BROUGHT FORWARD AND DULY SWORN IN

MS. SAVERS: Yes.

MR. GREENHOLTZ: Have a seat, and state your name for the record please.

MS. SAVERS: My name is Margaret Savers. I'm from Lincoln, Nebraska.

Q. And your interest in this case, Ma'am?

MS. SAVERS: My interest in this case has been long-ranged. I am only a year older than Caril. I'm a native Nebraskan. I have followed her the past 18 years during imprisonment and a great deal of interest. My interest is also in matters pertaining to society. I think we have an obligation to see that our penal system is what it says it is and that her rehabilitation. I don't think that Caril can exhibit anymore than she has already exhibited to us, that she is already to try, and that's all she can do is to try. That's all any of us can do. I felt very committed to testify, not only for myself. I feel that I have benefited society in growing up that Caril has not, and yet, . . . And I would plead with the Board to allow her an opportunity for a parole and be a productive member of our society.

MR. GREENHOLTZ: You've also sent correspondence in favor of her. . .

MS. SAVERS: Yes, I have.

Q. . . being granted favorable consideration.

MS. SAVERS: Right.

Q. Does anyone have any questions to ask Ms. Savers?

MR. ROWLEY: Thank you very much.

MR. GREENHOLTZ: Thank you very much. Anyone else?

WITNESS BROUGHT FORWARD AND DULY SWORN IN

MS. PESSICK: Yes, Sir.

MR. GREENHOLTZ: Give your name for the record please.

MS. PESSICK: My name is Shelley Pessick, and I'm from York, Nebraska.

Q. And your interest in this case?

MS. PESSICK: Well, I've recently in the last year been a correctional officer here at the institution. I resigned about three weeks ago. I resigned to have a baby and I've worked very closely with Caril. I've worked with her supervisor and her hall for the past year, and I just feel that it's my obligation, I have become very close to Caril, not only were we just supervisors and residents, we became very close friends. I feel that Caril is such a warm person that there's so many things that she has missed out on. If I can think of the things I missed out on from the time I was 14 until, I'm just 26, I can't imagine just some of, they're not . . . but there's things here at the institution that

MR. PESSICK:
(CONTD.)

she's had .different things, oh, they get different things to do like swimming and different things. Those are the things she has missed out on. It's like she mentioned, all she wanted to do was to have a home. She can't just go home, and if she feels like making a batch of cookies, it's the little things she missed out on. One time she wanted a dog. She wanted someone she could love and hang on to, and those are the things that I feel so sorry for her that she has missed out on. I just hope you are fit to grant her this parole, and I have no doubt in my mind that she will prove to you that she is very rehabilitated. I think for so long she's been questioned every year or in the newspaper and everything, they relive this thing over and over and over again, and I don't think is the question at hand. I think the thing is, is she ready to be paroled and lead a normal life? And I feel that she's very ready.

MR. GREENHOLTZ: Anyone have any questions?

MR. ROWLEY: I have none.

MR. GREENHOLTZ: How long did you say you were employed here?

MS. PESSICK: Last year.

Q. Just last year.

MS. PESSICK: I haven't been associated with her for 18 years like a lot of people, but I have been very close with her in the past, and I feel that I know her as well as some that have maybe known her for 18 years.

Q. Were you in favor of her having a dog?

MS. PESSICK: I could see the problem there, but it's the little things that she said to me or that I encountered. This didn't happen while I was working here, but the little things that you just see that she's a very warm person, and there's things that you can't give them in the institution that you can on the outside.

MR. GREENHOLTZ: I want to ask you another question. Do you think. . .

MS. PESSICK: This is what I'm saying. She has missed out on so many things, so many things that you maybe don't think about, like going to a football game or basketball, things that you have missed out on from 14 to 52. I can't imagine because I'm not that old yet, but I can think of the things I'd miss out on.

Q. But you weren't charged with committing a felony. Do you feel that there should be punishment. . . against fellow citizens?

MS. PESSICK: Do I think there should be punishment?

Q. Yes.

MS. PESSICK: Yes.

Q. Would you say that everybody really knows Carol Fagate, that they really know her and like her?

MS. PESSICK: Yes.

Q. You have stated that she is a very warm person.

MS. PESSICK: Yes, she is.

Q. Indistinguishable. . .

MS. PESSICK: Carol doesn't do anything that Carol doesn't really want or feel. She doesn't do something or say something to anyone just to make them think that she is a good person or something. Carol is very much her own person, and like someone else said today, it's amazing what she has grown to be such a, she has, like about the

MS. PESSICK: (CONTD.) reformatory here or the center, she has no bad feelings. I don't think she'll go away with any bad feelings here. So many different girls I've seen get out do have these feelings, resentment. She doesn't have those.

MR. GREENHOLTZ: All you see is sincerity. .

MS. PESSICK: Yes.

Q. Indistinguishable. .

MS. PESSICK: Like she said, she is very selective and when I first started working here, she didn't appear real warm to me, but she feels out things and is very sure when she does open up to someone. She is sure that they are friends, and they will stand by her.

MR. GREENHOLTZ: You have to realize that we deal with all types of people and all types of personalities. Did you get real close to Paula. .

MS. PESSICK: No.

Q. You learned that much. That's all the questions I have.

REV. TATE: I have none.

MR. GREENHOLTZ: Thank you very much. Anybody else?

WITNESS BROUGHT FORWARD AND DULY SWORN IN

MS. EPP: Yes.

MR. GREENHOLTZ: Be seated please. State your name for the record.

MS. EPP: My name is Pamela Epp, and I'm from York, Nebraska.

Q. I think I had a letter from you.

MS. EPP: Yes. I'm director of nursing at the Henderson Nursing Home where Caril has been on Work Release, and I've known her for about two and a half years. She started out as a volunteer in our institution in January of '74. In about September, she started working as a nurse's aide and started out on a 90-hour geriatrics training program there which she completed, and then after that she worked as a care staff member until she injured her shoulder. . . And then she quit for a couple of months and then returned working in the dietary department as a dietetic aide, and I feel that Caril has demonstrated while she was in our institution that she can take on responsibility, and she demonstrated her compassion for elderly residents there. She made friends amongst the residents and amongst her co-workers. I think there was a lot of sentiment against her when she first started, and she proved herself and turned a lot of that sentiment around. Caril has been in our home a couple of times on furlough. We've learned to love her as a person and accepted her for what she is. My children love her, and my husband thinks very highly of her. We're very much in favor of her being released, and we can see no further reason for her to be incarcerated. I don't think that anything could be gained. I think that she's ready to give life a try, and I think she deserves it.

MR. GREENHOLTZ: Any comments from anyone? Thank you for your input.

REV. TATE: I have one question. I guess you're the closest person who has seen Caril functioning in a community setting. How did she handle stress when she was rejected by the people she was working with? How did she deal with that?

MS. EPP: Well, sometimes she would cry. I tried to explain to her that this is the way people are and that she is going to get this kind of reaction no matter where she goes, and that the ones who really

MS. EPP: (CONTD.) counted were the ones that supported her, her friends, that had accepted her for what she was. I think as time went by, she was able to learn how to deal with this type of situation. At first, I think it really throw her, in that it hurt her very deeply to feel that she was here trying to help them, and they were pushing her away, and she had a couple of very strong reactions. . . And there are several residents at the home today who send their support to her today.

REV. TATE: Would you say then that this has been maybe a kind of training ground for some of the bigger things she might run into?

MS. EPP: I feel so. It has given her a chance to deal with her emotions outside of the institution.

REV. TATE: Can she now make it?

MS. EPP: I believe she can.

REV. TATE: Thank you.

MR. GREENHOLTZ: What you're saying is you think it was best that she experience these frustrations before she was released?

MS. EPP: Yes. I think it was good that she saw how life was going to be treating her. Mrs. Dahlquist.

MRS. DAHLQUIST: You said it was two and a half years?

MS. EPP: Yes.

MRS. DAHLQUIST: And you said that when these problems arose, she came to you, and you were the one who counseled her. Those things are going to happen again if she is to be paroled. Are you saying that she very definitely needs someone who is capable of counseling her and talking with her at all times? Is that basically what you're saying?

MS. EPP: I feel that she's wise enough to know that she needs this, that she can seek out help from someone.

MRS. DAHLQUIST: Do you feel like she could cope with these on her own if there is not a . . .

MS. EPP: I think she has. . . I think during the last six months, she has made quite a change. . . indistinguishable. . .

MRS. DAHLQUIST: Have any of these situations occurred in the last six months?

MS. EPP: No, no.

MRS. DAHLQUIST: Nothing else.

MR. NEAL: Thank you, Pam.

MR. GREENHOLTZ: Anybody else?

WITNESS BROUGHT FORWARD AND DULY SWORN IN

MR. KIRST: I do.

MR. GREENHOLTZ: Have a seat. State your name for the record please.

MR. KIRST: My name is Paul Kirst. I'm from Henderson, Nebraska. I'm the administrator of the Henderson Community Hospital.

Q. And your interest in this matter, Sir?

MR. KIRST: I am here to attest to Caril's ability as a future employee in the outside world and her ability to cope with the world.

Q. Do you foresee any difficulties or problems with her making a

MR. GREENHOLTZ: transition back into the so called free world as a useful, productive citizen?
(CONTD.)

MR. KIRST: No, I don't, Sir. I really feel that Caril, during the last two and a half years at Henderson Hospital, has developed tremendously her ability, abilities as an employee, and I go deeper than just the motions that she performed. She has demonstrated to me her ability to communicate well with her employees. This is something that I personally value very much. When she has had problems, she, on her own initiative, has been willing to come to me and deal with those problems rather than letting them go and letting them become a worse problem, and I feel this is a very valuable thing in an employee.

Q. Do you feel that her being with your organization as your employee has helped her to cope with possible situations or frustrations in the free world, in society?

MR. KIRST: Yes, I do, Sir. I don't see. . .indistinguishable. .and she has demonstrated to me that she has coped with them very well.

Q. Any questions?

MRS. DAHLQUIST: I have no questions.

MR. ROWLEY: I just have one, Mr. Chairman. I want to really get this straight. In your opinion, do you feel that Work Release is a very positive aspect of the transitional process during incarceration?

MR. KIRST: Very definitely, Sir. I'm not only associated with Caril on a work basis, but I've also been with the group in Henderson that has been out to the institution here probably about ten times in the last two years, and so I've been able to, Caril isn't the only incarcerated woman that I have been associated with, and I very definitely feel that it's a valuable part of any type of rehabilitational process.

MR. ROWLEY: I'm glad to hear that, and I also. . . .

MR. GREENHOLTZ: Thank you, Sir.

MRS. DAHLQUIST: You have the hospital, the institution, for the elderly in Henderson, is that. . .

MR. KIRST: That's correct. It's actually one institution. The nursing home is. . .

MRS. DAHLQUIST: And that's where Caril works?

MR. KIRST: That's correct.

MRS. DAHLQUIST: And over a period of two and a half years?

MR. KIRST: That's correct. I believe she started in January of 1974, and I have not known her that long. I started in July of '74.

MRS. DAHLQUIST: In all probability, would it be right to assume then, Paul, that during this period of time, on a whole, she has been associating with the same group to a great degree rather than a variety of people different everyday, is that correct?

MR. KIRST: Yes, in the sense that. . .obviously, there's a turnover in staff and a turnover in residents. In that respect, she is having to deal with different people. But in a different way, the people she had to deal with two and a half years ago when she started are a different group of people than she has to deal with today.

MRS. DAHLQUIST: Thank you.

MR. GREENHOLTZ: Thank you, Sir.

MR. THOMAS: Anyone else? I believe that's all, Mr. Chairman.

MR. GREENHOLTZ: I would like to hear from Ms. Crawford.

SUPERINTENDENT BROUGHT FORWARD

MR. GREENHOLTZ: Mrs. Crawford, you are superintendent here at the women's center, and you have known Caril ever since you've been employed at the facility. What can you tell the Board that we have not already received as information? What is your feeling? Is she ready?

MS. CRAWFORD: Well, first of all, I think everything that needs to be said has been said already on Caril's behalf, but as the superintendent of this particular institution, I would say that she very definitely is ready for parole, and it's the general consensus of all staff members, and they are very supportive of Caril Fugate being paroled. I think there comes a time and place when . . . is totally saturated. I feel that this is the time that she could be paroled and be very successful. If she would be detained from the parole any longer, I feel it would be most detrimental to this young woman, and as far as I'm concerned, Sir, I feel that Caril has earned this right. That's all I have.

Q. You don't foresee any problems whatsoever in the event that she is released?

MS. CRAWFORD: Not anymore difficult than what she has already encountered on Work Release. Indistinguishable. .

Q. Any questions?

MR. ROWLEY: None here, Mr. Chairman. Thank you.

MR. GREENHOLTZ: Is Mr. Vitek in the room?

DIRECTOR BROUGHT FORWARD

MR. GREENHOLTZ: Mr. Vitek, as the Director of Corrections, the Board would like to have you state your opinion on Caril Fugate's possible release.

MR. VITEK: Mr. Chairman and members of the Board, as you know, I've been in Nebraska two years, and I don't personally know Ms. Fugate, but am personally aware of her activities and the trust that's been given to her, and I can either make a strong recommendation because of my lack of familiarity with her. However, I would indicate that those people that did testify, I believe, is a strong reason for the return of Ms. Fugate to society and that in every indication if she was paroled, from what I can see and understand, she must be a good, contributing member of society.

Q. Indistinguishable. . .

MR. VITEK: Mr. Greenholtz, as you know, your expertise and my expertise over the last many years has been with the male offenders. . .

Q. Any questions by any members? In others words, you feel, Mr. Vitek, Anyone else have any questions?

MR. ROWLEY: None here.

MR. GREENHOLTZ: Thank you

MRS. DAHLQUIST: I make the motion that the Board of Parole now go into executive session.

MR. GREENHOLTZ: I second that.

MR. NEAL: Aye.

BROKE FOR EXECUTIVE SESSION (NOT RECORDED)

SUBJECT BROUGHT BACK INTO ROOM AND ADVISED OF BOARD DECISION

MR. GREENHOLTZ: Mr. Fugate, we had an executive session on your case, and by majority vote you are to be paroled to the formulated program. In regards to the special condition that you mentioned and discussed and is a matter of record, you asked the Board if we could. . . It is a special condition that you will not have any press conferences or anything of that nature without written permission of this Board and the supervisor of the receiving agency. You get that permission in writing first. This is for your own protection. You've asked for it. You do have certain rights. We don't want you to be exploited. You have attracted, naturally, attention in this case as you well know. We wish you the best of luck. Do you have anything?

A. I just would like to say thank you, very much.

Q. Any members of the Board have any comments?

MR. ROWLEY: Just good luck, Caril.

MR. NEAL: Good luck.

DECISION: PAROLED

VOTE: 4-1 (MRS. DAHLQUIST DISSENTED)

I, Trudy Scott, transcriber for the Nebraska Board of Parole, do hereby certify that the foregoing is, to the best of my ability, a true and accurately typed transcript of the hearing afforded Caril Ann Fugate, No. 1427, on June 8, 1976.

Dated this 14th day of January, 1982.

Trudy Scott
Transcriber, Nebraska Board of Parole

his SEX and MURDER BINGE

BY SEYMOUR J. ETTMAN



Police examine cardboard carton that contained beaten corpse of three-year-old Betty Jean, first of ten victims.

The fears for the missing high school beauty Carol King and her companion, Robert Jensen, mounted sharply with discovery of the fugitives' car and another corpse. Then searchers found their bodies, that of girl nearly nude.



All during Friday night, a howling norther had funneled whirling snow flurries down the Missouri River Valley. When he awoke on the morning of Saturday, January 25, Bob Von Busche saw the snow piled high on the sill of his bedroom window. He swung his long legs out of bed and went to the window to look out. Below him stretched the white, drifted courtyard of the apartment house at 425 North Tenth Street in the capital city of Lincoln, Neb.

"That's a pretty sight," Von Busche said to himself, then, practical minded, he decided to go down town and buy a roll of felt weather stripping with which to seal the drafty casement.

Barbara Von Busche, Bob's pretty 17-year-old wife, had been in the kitchen getting breakfast. Hearing her husband moving around, she came to the connecting door and looked in.

"Don't you stand around with no warm clothes on," she chided him. "You'll be getting that five-day flu just like mom and the rest of them."

Bob shuffled in his bare feet to the chair over which he had draped his clothes the night before. "Mom got the flu?" he asked.





Five-day swath marked
by ten corpses
ends in wild 115-mph.
police chase
when fugitive runs
out of bullets

The three-day flight of 14-year-old Caril Fugate and red headed Charles Starkweather was traced by seven slaying victims, while armed National Guardsmen patrolled the streets of terror-stricken Lincoln, Neb., and escorted children home from their classes.

"They all of them got it," Barbara said. "Mom, my stepfather, little Betty Jean. The doctor says it's catching and Caril won't let no one in to see them."

Von Busche puzzled this over as he started to dress.

"You been over there?" he asked.

"No," Barbara said. "Mrs. Hendricks was over there Thursday afternoon. Caril turned her away from the door. Said it was doctor's orders."

Bob said nothing more until he and Barbara were almost finished with breakfast.

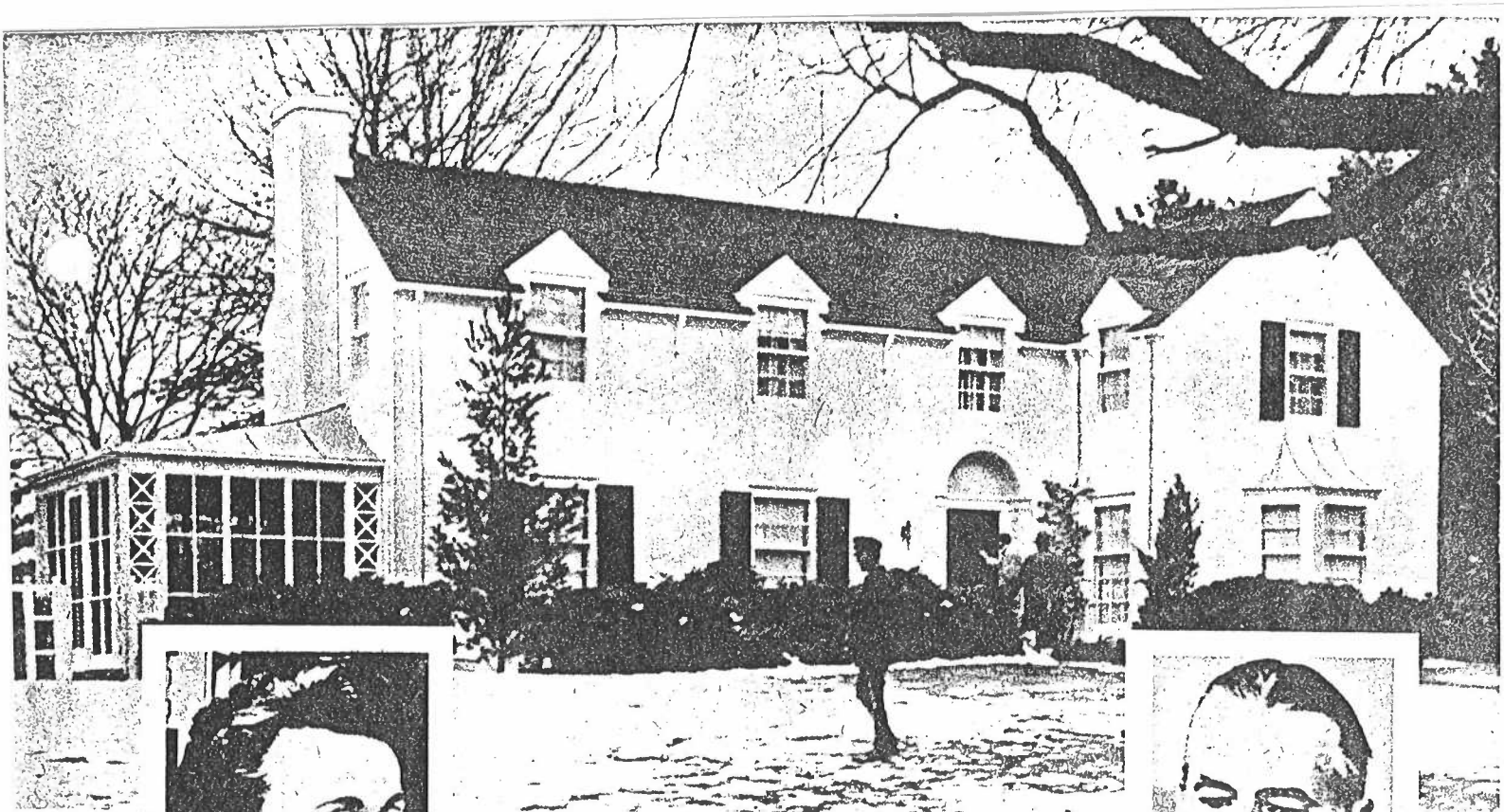
"How come your sister Caril didn't get it?" he asked.

Barbara looked at him blankly. "Get what?" she asked.

"That five-day flu," Von Busche said. "If Caril's in with them all alone, how come she didn't get it?"

The girl shrugged. "I don't know," she admitted.





This Lincoln mansion was the scene of the triple murder of C. Lauer Ward, right; his wife, left, and a domestic. He had been shot, and the two women bound and stabbed. In one room of the ransacked house was found a blazer of slain high school girl.



"Does Bandy Britches have it?"

Bandy Britches was the name by which the couple privately referred to Charles Starkweather, a fellow apartment dweller and 14-year-old Caril's steady boyfriend. It was a name they would never have called Starkweather to his face. The 19-year-old red headed youth was a hot tempered bantam who had a reputation among his contemporaries for being fast with a knife.

"I don't know if Bandy Britches was even out there," Barbara said.

He's been out there, Bob said to himself. Starkweather was Caril's too constant companion. Flu or no flu, Bandy Britches would have gone to see his girl.

"I'll go down the hall and ask him how your folks are," Bob said to his wife.

Von Busche lit a cigaret and went to Starkweather's apartment three doors down the hall. There was no answer to his repeated knocking. A letter was shoved half under the door. Picking it up, Von Busche saw that it was probably a bill and bore a Lincoln postmark dated Wednesday, January 22.

Von Busche put down the letter and did some quick calculating. Allowing a day for city delivery, the envelope had been under the door since Thursday. Red Starkweather, evidently, had not been in his apartment either Thursday or Friday. Where then, was he? At his father's home? No. He had left there to live his own life. With Caril? Perhaps. And this might well be cause for alarm since Caril's mother, Mrs. Velda Bartlett, now supposedly flu-ridden, had forbidden

Sheriff Karnopp, wearing overcoat, and a policeman examine the corpse of August Meyer, an aged bachelor farmer, who was slain and robbed in home near Bennet.



Joseph Sprinkle, (shown with his wife) stopped to help motorists he thought were in trouble and then, in fight for his life, wrested a rifle out of the hands of the fugitive who was nearing the end of his murder binge.



Wyoming Deputy Romer, left, and Chief Ainslie of Douglas, who captured the desperado after a wild 115 mph. chase, inspect articles found in Starkweather's car as his now frightened girl companion watches them in dazed manner.

the hot-tempered youth ever to set foot in the house again. "I don't like it," Bob Von Busche said aloud. "I don't like it one little bit. I can't figure out why Caril won't let anybody in there."

A short while later, Von Busche said goodbye to his wife. "Couple of things I want to get," he told her. "A roll of window stripping, putty, stuff like that. See you in about an hour."

Before he made his purchases, Robert Von Busche dropped in at police headquarters and had a brief talk with Detective Lt. Eugene Heninger. He confided that he found suspicious the fact that 14-year-old Caril Fugate had refused a neighbor admittance to her stepfather's home.

Sketching something of young Charles Starkweather's relationship with the girl, he mentioned the youth's volatile temper. "He doesn't like the Bartletts and they don't like him," Bob said. "Since he hasn't been home, I figure he might well be in there with Caril. And Lieutenant, to my way of thinking, that could well be a matter of police business."

Lieutenant Heninger agreed with him and promised to send a patrol car out to the Bartlett home on Belmont Avenue at the northwest edge of town. Accordingly, a police cruiser car arrived at the Bartletts' just before noon. The investigating officers found a neatly lettered sign tacked to the front door.

"No admittance," it read. "Five Day Flu here. Stay away on Doctor's Orders."

The officers knocked, nonetheless, and the door was quickly opened by a small statured girl, obviously in her early teens despite the embellishments of a mature physique. Her face, somewhat marred by an outbreak of what patent medicine ads call "adolescent skin," was very pale.

"Yes?" she asked nervously.

"Your folks sick in here?" one of the officers asked.

"Yes, sir," Caril Fugate said. "My mother, my stepfather, and my little half sister."

"Who's your doctor?" the officer asked shrewdly.

Caril's eyes dropped for a second. [Continued on page 75]

In their Lincoln home, Mr. and Mrs. Guy Starkweather, parents of the youth who wanted to be an outlaw, try to comfort each other as word of final events reaches them.



Sex and Murder Binge

[Continued from page 7]

"Doc Parsons, I think," she said slowly. "Should I wake up my mother and ask?"

The cop looked at her searchingly. Somewhere behind the girl a puppy whined mournfully. "No," the officer said. "I wouldn't want you to disturb her. Anything we can do?"

"No," the girl said. "Thank you very much. I hope you don't get sick from coming so close to me."

The officers left and reported back to the station house. It was their impression that everything at the Bartlett home seemed to be in order.

Almost two more days passed before the situation at the Bartlett home aroused the suspicions of anyone else. Early Monday morning, Mrs. Bartlett's mother, Mrs. Pansy Street, paid an unexpected call at the house on Belmont Avenue.

Adjusting her glasses, the elderly woman anxiously read the printed sign on the front door. Then she began to knock on the door. Caril's voice answered from inside, "Read the sign out there. Go away."

Mrs. Street's voice was fraught with alarm. "Caril, honey? It's Granny. What's the matter in there?"

Caril opened the door a few inches. "Go away, Granny," she said pleadingly. "Everybody's sick. You can't come in."

"Nonsense," the old woman said. "I'm getting on in years and I been exposed to just about every kind of sickness there is. I'm not afraid of no germs, child. Let me in."

"Go away, Granny," Caril repeated. "I'm nursing them all fine. There's nothing anybody else can do."

Nothing the elderly woman could say prevailed upon the girl. There were more than enough groceries in the larder, Caril assured her. Dr. Parsons came in every day. It was simply a matter of time before the Bartletts would be well. "Nothing to worry about, Granny," Caril insisted. "I'm nursing them fine."

It was true that Caril Fugate was extremely capable in such matters. Granny Bartlett herself had recognized this fact and was saving her pension money so that Caril might study nursing when she was graduated from high school.

"At least let me see little Betty Jean," Mrs. Street begged the girl. "Carry her to the window and let Granny see the poor little sick angel."

"No!" Caril Fugate said adamantly. "It would only make her worse. Now you go home, Granny. Don't come back until tomorrow."

Sick at heart and certain that something was radically wrong, Mrs. Pansy Street left the Bartlett home and found her way to police headquarters. She, too, spoke with Detective Lieutenant Heninger.

Heninger, recalling Bob Von Busche's earlier apprehensions, agreed to send Mrs. Street back to the Bartlett house in the company of two radio cruisermen. He also looked up Dr. Parsons in the Lincoln telephone directory. When he could find no such person listed, he ordered the cruisermen to report to him by radio immediately upon arriving at Belmont Avenue. The call was transmitted within minutes.

"We found the front door locked and had to break in through the side window. There's nobody here, Lieutenant. Not the girl, not her folks, nobody at all. Just a little mutt whining in the kitchen. That's the whole of it. What should we do?"

The mystified lieutenant had no ready

answer. Nonplussed, he decided to notify Bob Von Busche at the latter's place of work.

Von Busche, thoroughly alarmed at the news, got in touch with Rodney Starkweather, 21, the brother of Caril's red-headed boyfriend. "Something's wrong out there at the Bartlett place. Your brother and my sister-in-law might be in on something mighty deep. What do you say we go out there and prowl around a bit?"

The two young men arrived at the house on Belmont Avenue shortly before 4:30 that Monday, January 27. First they studied the sign on the door, then they peered through all the windows. The puppy scratched wildly at the glass when they looked into the kitchen.

"No one's inside," Von Busche said. "Let's take a gander at the chicken coop."

They headed to the rear of the property to make a tour of the outbuildings. Along the path was a cardboard box, half covered with snow. Von Busche glanced at it then looked again, intently, standing horror-rooted in his tracks.

The box contained the frozen, diminutive corpse of Betty Jean Bartlett! The 3-year-old child, clubbed over the head and face until the features were almost unrecognizable, had been stripped of almost all her clothing.

Pausing only briefly to stare at the child's pitiful remains, the two young men hurried to the chicken coop. Here, wrapped in newspaper and torn lime sacks, lay the rigid body of 57-year-old Marion Bartlett with a blackened bullet hole in the middle of his forehead!

In an unused outhouse, a short distance away, Rod Starkweather and Bob Von Busche found the third corpse. Velda Bartlett, 35, also shot neatly through the head, was lying just behind the door, her body partially covered by rags.

Before 5 o'clock that Monday afternoon, the Belmont Avenue home of the Bartletts' literally swarmed with policemen. Police Chief Joseph Carroll, his assistant, Eugene Masters, Capt. Orren Graves and Detective Lieutenant Heninger, conferring at the scene, were unable to fix the time of death from preliminary examination of either the bodies or the premises.

Certainly, the Bartletts had been dead by Saturday if not before. Why, then, had 14-year-old Caril stayed on with the corpses? Why had she attempted to deceive various visitors when they called?

Rodney Starkweather, his face a tragic mask of grief, supplied a logical answer.

"I'm pretty sure my brother is behind all this," he said. "Little Red, as we call him, is a dead shot with any kind of gun. We've hunted together, and he knows more about firearms than anyone I've ever met. I'm sure he shot these people and that he was here, holding a gun on Caril all the time she talked with whoever came to the door."

Chief Carroll, accepting the surface facts as they were given, immediately ordered an all-points police bulletin. "I want a description of the pair, the car they might be driving and anything else we can learn about them," he instructed.

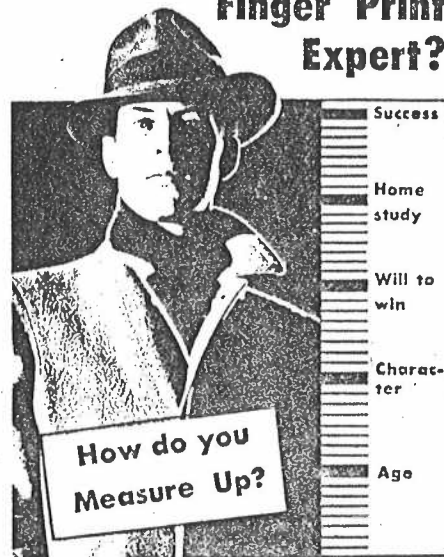
The bulletin, sent out in the next half hour, was repeat-relayed throughout Nebraska, to the southern limits of Colorado—and to Wyoming, Iowa and Kansas.

Starkweather was described as being 5' 5" tall and weighing 140 pounds with flaming red hair cut short on top and long on the sides and back. He had green eyes and above the right lid there was a crescent shaped scar.

The suspect was both bow-legged and pigeon toed. He swaggered when he walked. He was believed to be wearing blue jeans, a black leather "motorcycle

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jacket" studded with silvery trim, a stockman's shirt, either black engineer's boots or black and white cowboy boots. He wore glasses, it was noted, and spoke with a speech impediment, having trouble in pronouncing his ws and rs.

Caril Fugate was described as being 5'1" tall and weighing 105 pounds. Though only 14, her figure was mature beyond her years and gave her an older appearance. The girl had blue eyes and dark brown hair, usually done up in a pony tail. She sometimes wore glasses. Possibly she was wearing a gold ring with a large red stone in a simple setting. She was believed to be dressed in jeans and a blouse or sweater, with a blue parka coat for an outer garment. Caril was thought to be wearing drum majorette's white "baton boots" or gray suede loafers.

The pair probably was travelling in Little Red's distinctive, hot rod type '49 Ford, a four-door job without a front grille or rear side windows.

Rings of concentric road blocks were thrown up in Eastern Nebraska and Western Iowa. From Sioux City to Seneca on the Kansas border, and from Des Moines to Broken Bow of highway police patrols began to converge on Lincoln.

While Sheriff Merle Karnopp and his deputies toured the Belmont Avenue section, seeking witnesses who might have observed Little Red fleeing from the area, teams of city detectives assembled a dossier on the bantam fugitive.

From the youth's parents, friends and former teachers, the officers were able to formulate a quick character sketch of a swaggering, good-for-nothing, hot-tempered rebel who was kicked out of school in his ninth year for knife fighting and whose shiftlessness had caused him to be fired from one job after another.

"He used to work with Rod on a garbage truck," Mrs. Rodney Starkweather told the officers. "But he was absolutely worthless. He'd lounge around in the cab reading comic books all the time. The only things he really cares about were stock car racing and hunting, and he's a crack shot with a gun."

This last attribute was one to which all of Little Red's intimates testified. The bandy legged bantam, despite the fact that he wore glasses, had eyes which swept a gunsight with radar-like accuracy.

Lieutenant Heninger, hearing that young Starkweather always shot his game in the head, wondered whether Little Red might not be implicated in the unsolved shotgun murder of Robert G. Colvert, a 21-year-old Lincoln service station attendant, who had been found shot in the head on the night of December 1, 1957.

Starkweather, reportedly, was known to have loitered around the station where Colvert worked. More, Little Red had borrowed a shotgun from his brother on the day of the crime and returned it two days later. Also, the fugitive had opened a savings account in a local bank shortly after Colvert was found killed and robbed.

Speaking with Mrs. May Hawley, operator of the apartment house where Little Red had resided, Heninger learned that Starkweather, behind in his rent before the Colvert slaying, had cleaned up his indebtedness the day after the crime.

By nightfall, shortly after the first bulletins on the Bartlett killings had hit the papers, the Lincoln police picked up an important lead.

Homer Tate, owner-operator of a gas station on Highway 77, south of Lincoln, called the police to say that he had seen the fugitives at 1 p.m. Monday afternoon.

At that time, according to Tate, the red headed suspect and the Fugate girl had

driven the hot rod Ford up to the pump island.

"They bought 45 cents worth of gasoline," Tate said, "and they had me put a tire boot in one of his spares. Then he bought two boxes of .22 caliber long rifle cartridges and a box of .410 shotgun shells."

The redhead had also asked to buy two boxes of .32 caliber cartridges, but Tate did not have these in stock.

The station owner said that he had seen a .410 shotgun under a blanket on the front seat of the car when the girl got out to buy candy bars at the dispensing machine.

"Did she seem to be under duress of any kind?" Chief Carroll wanted to know. "Did it seem to you that the fellow was holding the girl against her will?"

Tate considered this question. "No, sir," he said. "Nothing like that. They were joking with each other and getting along fine."

At the very time Mr. Tate was making his statement to the police, another Lancaster County resident was becoming involved in the bantam badman's getaway.

A Bennet farmer, Howard Genuchi, driving his pickup truck home from town, came upon Starkweather's car mired in a ditch near the rubble of the recently razed District 79 School.

Genuchi knew the flaming haired Starkweather on sight. Waving to Little Red, the farmer backed his pickup to the brink of the ditch. Then, fixing a chain sling around the hot rod's bumper, he hauled the Ford out on the road. He collected his chain, got into the cab of his truck and drove off without even waiting to be thanked. It was not until the next day that Genuchi learned of the extensive manhunt for the runaway killer.

Two other Bennet residents shortly thereafter became even more deeply involved with the occupants of the hot rod. Shortly before 8 p.m. 17-year-old Robert Jensen came to call for his girl friend, beautiful and popular 16-year-old Carol King, a Bennet High School cheer leader.

Only two weeks before, Carol's father had succumbed of a heart attack shortly after hearing of the death of his brother in an automobile accident. Then Warren King, Carol's 26-year-old brother, now the main support of his family, had been laid off from work shortly thereafter.

Her date, that Monday night of January 27, was Carol's first in several weeks.

"I'll be in by 10," she told her mother. Then, sensing that perhaps the older woman would be happier if she stayed at home she said, "Look, Mom. Be honest with me. I don't mind if we don't go out. Really. I don't."

Her mother patted her cheek. "You're young," she said. "It isn't right for you to be cooped up here the way you've been. You and Bob take a ride and have a good time."

The young couple left in Bob's 1950 Ford, but Carol did not return home at 10 o'clock that Monday night. At 11, her mother became alarmed and began to call her daughter's friends. At midnight, she called the police.

All that night Carol's brother and friends toured the Bennet environs, seeking some trace of the girl and her date. They found nothing.

In the morning, the search was extended to a wider area. Bennet School Supt., Michael Valentine sent a party of students out to look for the missing couple. Neither the youngsters nor the police had any success.

About mid-morning Tuesday, Pat Boldt, a Bennet garageman, stopped Safety Patrolman Vernon O'Neal on State Highway

43. "I saw a black '49 Ford in a farm lane, back yonder," he said. "Looks like that one they're looking for."

O'Neal shook his head. "Jensen's car is a '50," he said. "And it's blue."

The garageman looked at him blankly. "I'm talking about the car that's in the papers," Boldt said. "The one from Lincoln. The one with that red headed kid and the girl."

The safety patrolman realized with a start that his informant was talking about Red Starkweather's hot rod!

Approaching carefully, O'Neal scouted the lane leading to the well kept farm of August Meyer, 70, a long-time Bennet resident. Reconnoitering as close to the lane as he dared, the trooper recognized the salient features of the distinctive automobile. It had no grille. There were no back windows. It was definitely the murder suspect's car.

On radioing the information to the police communications control center, O'Neal was told to sit tight, that help was on the way. Shortly some 30 troopers equipped with tear gas bombs and riot guns closed in on the farm from all directions. Assistant Lincoln Chief of Police Eugene Masters and a dozen of his men rolled up the lane in a car equipped with a public address system.

The car, obviously deserted, was quickly surrounded. It was found to be bogged down in a deep pothole. It contained six spare tires, a pair of man's fleece-lined slippers, empty pop bottles, a pair of blue dungarees and a set of road maps for Kansas, Missouri and Iowa. The key was in the ignition switch.

Figuring the wanted pair probably was hiding in the Meyer home, the officers moved in fast. Assistant Chief Masters drove the car as close to the farm house as he dared, then his voice boomed over the portable public address system.

"We know you're in there, Starkweather. We'll give you five minutes to come out with your hands up."

The count-down from five minutes to zero passed in a dragging agony of tense anticipation. When there was no movement in the house, three pairs of troopers closed in, moving from tree to tree and taking advantage of all cover.

A trooper hurled a tear gas grenade through a second story window. The glass shattered with an unreal sound. Eight more gas bombs were lobbed through various windows without causing any stir of movement within the house.

Chief Joe Carroll, newly arrived at the scene took up a forward position with a weatherbeaten, anxious eyed farmer who identified himself as Louis Meyer, August Meyer's brother.

"I read about that young punk in the papers," Louis told Chief Carroll. "He used to hunt here on my brother's farm. I got worried that maybe he'd come here to hide out and drove down to be with Gus if I was needed."

The troopers advanced closer to the house. At the rear, Sgt. Gerald Tesch rushed the door of a small wash house close to the back door of the farmstead. He kicked open the door and gave a hoarse shout that brought his brother officers on the double.

There, lying on his side on the floor, was old Gus Meyer, shot through the head with the full charge of a .410 shotgun!

Shocked by this newest slaying in the kill-crazy bantam's string of wanton murders, the entire community was roused. Herbert Randall, proprietor of a Bennet hardware store, did a land office business in the sale of arms and ammunition. Hastily organized patrols of vigilantes offered

their services as auxiliary policemen. Offers of help began to pour in from peace officers in Otoe, Gage, Saline and York Counties.

The finding of Gus Meyer's body and the discovery that his home had been hastily ransacked in a search for cash caused mounting apprehension in the minds of the key investigators. According to Louis Meyer, his brother kept little cash in the house. The officers now feared that the bandy legged killer, thwarted in his quest for getaway money, might well resort to further bloodshed to get funds.

Another important consideration was the fact that Starkweather had ditched his hot rod. He had not taken Gus Meyer's truck. What car, then, had he taken to continue his flight?

It was this question which caused a deepening concern over the probable fate of the missing Carol King and her boy friend, Robert Jensen.

The appearance of Howard Genuchi among the searchers brought to light the fact that the Bennet farmer had hauled Starkweather's hot rod out of the mud the night before.

"It was over near that torn down school," Genuchi told the officers. "I didn't know you cops were looking for Starkweather until a half an hour ago."

Mention of the school caused one of the possmen to recall a fact which, until now, had no particular significance.

"Seems to me I heard a car take off from around there at about 9 o'clock last night," Everet Broening said. "Maybe we'd better go out there and take a look."

Broening led a search party to the ruins of the razed school. A storm cellar was all that remained of the former structure. It was covered with boards which appeared to have recently been placed there.

Eager hands tore aside the covering and a shout went up from the crowd.

There in the storm cellar were the bodies of Robert and Carol. The body of the boy was fully clothed. The girl had been stripped to virtual nakedness and her clothing was strewn around the cellar pit. A bullet hole in the head of each victim marked the corpses with the brand of the bandy legged mad-dog-slayer.

Sheriff Karnopp, rushing to the scene, was there when Carol's body was positively identified by one of her closest friends, Deanna Monahan of Route 7.

Terror began to stalk the snow covered countryside. In farm homes, shotguns and rifles were taken from closets and racks and kept within easy reach. Grim faced men, all heavily armed, made farm-to-farm patrols of the entire area.

Late Tuesday night in Lincoln, formal first degree murder charges were filed against Charles R. Starkweather, 19, and Caril Ann Fugate, 14, by Lancaster County Attorney Elmer Scheele. With the announcement of these charges came several thought provoking statements.

Mr. Scheele stated that medical examination of the remains of 16-year-old Carol King revealed that the beautiful cheer leader had been subjected to an unnatural sex attack.

It was announced, also, that the FBI would enter the case on Wednesday after U. S. Commissioner C. M. Pierson filed charges of unlawful flight to avoid prosecution against both Starkweather and Miss Fugate.

Despite these statements and the cryptic implications behind them, Nebraska Safety Patrol Capt. Dan Casey announced that it would not surprise him to learn that Starkweather "had done away with Caril Fugate."

All through the night grim-visaged

searchers sought for Robert Jensen's blue 1950 Ford, distinguished by two whip style radio antennae on its rear fenders and bearing 1957 Nebraska license plates 2-8743.

As the hours wore on, panicky if well intentioned citizens simultaneously reported seeing this automobile in a wide variety of locales. Police officers ran themselves ragged investigating leads which developed in Elm Creek and Blue Rapids, Kans., Mt. Vernon, Ia., and Muskogee, Okla. It was not until morning that the search was dramatically redirected to the terror stricken community of Lincoln, Nebraska, once again.

On Wednesday, a prominent Lincoln industrialist, 47-year-old C. Lauer Ward, failed to appear at the weekly meeting of the board of trustees of the Bankers Life Insurance Company of Nebraska. When a number of unsuccessful attempts were made to reach Mr. Ward by telephone at his residence, 2843 South 24th Street, an employe was sent to the home. When this messenger returned to the board meeting without being able to get any response at the white mansion, Mr. Ward's business associates became alarmed.

It was known that Fred Ward, a cousin, had spoken with the industrialist on the phone the previous evening. Fred Ward was prevailed upon to visit his relative's home in an effort to determine if there was anything amiss.

Fred went to the house and tried the several entrances, but was unable to gain admittance. Hoping to find some clue in the garage, he went around to the rear and saw a strange automobile parked in the space usually reserved for his cousin's black 1956 Packard.

The automobile in its place was a blue Ford with twin whip antennae on its rear fenders. It bore Nebraska tags 2-8743. Without realizing the import of his discovery, Fred Ward telephoned the Lincoln police.

The scores of dread-filled officers who arrived in response to this information forced a rear door of the Ward home and burst inside to find their worst fears realized.

Mr. Ward's body, fully dressed to hat and coat, was found just inside the front door. There was a bullet hole in the dead industrialist's head. Upstairs in two separate bedrooms, the searchers discovered two more bodies. One was that of Clara Ward, the industrialist's wife. The other was identified as Lillian Fencel, the Wards' maid.

Both women had their wrists trussed behind them. They were fully clad. Mrs. Ward had been stabbed several times in the chest, the back and the neck. Miss Fencel was found to have been stabbed about a dozen times in the chest and abdomen.

The house had been ransacked and there was evidence that the killers had spent a good deal of Tuesday night wandering through the rooms. If the bullet hole in the head was not by now enough of a trade mark, the knife work was as good as the signature of switchblade expert Red Starkweather. Moreover, a bloodstained Bennet High School blazer which had belonged to the unfortunate Carol King was found in one of the bedrooms.

Now, terror-ridden Lincoln literally became an armed camp. Declaration of martial law brought armed National Guardsmen to patrol the streets. Planes from the Civil Air Patrol, the Rancher's

**WHAT A DREAMBOAT!
MY IDEAL HERO!**

**WHAT A DATE!
I'M BATTING ZERO!**

**SMELLS GRAND!
PACKS RIGHT!
SMOKES SWEET!
CAN'T BITE!**

**WHY YOU
SMOKE A PIPE
TOO! MM-MM!
YOU'RE FOR
ME!**

**IT'S
SIR WALTER
RALEIGH...
NATURALLY!**

**SIR WALTER RALEIGH'S
BLEND OF CHOICE KENTUCKY
BURLEYS IS EXTRA-AGED TO
GUARD AGAINST TONGUE BITE.**

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ON PIPE CARE.
JUST WRITE TO:
SIR WALTER
RALEIGH,
DEPT. 056-C
LOUISVILLE, KY.

Association and the Lincoln Air Force Base were pressed into the hunt for the mad dog killer on a binge of sex and murder. Sought was one of the hottest automobiles ever hunted in connection with American outlawry. It was C. Laur Ward's black 1956 Packard with license 2-17415.

As Lincoln barricaded itself in preparation for a sleepless night, schools were dismissed early and students were escorted to their homes under armed guard. Citizens were urged to stay off the streets unless their business was of vital interest to the community.

Literally hundreds of reports were simultaneously received from all over Nebraska concerning the sighting of a Packard sedan similar to the one being sought. The State Safety Patrol had the main highways south and southeast of Lincoln lined with patrol cars. A vast dragnet enveloped the environs of the city, yet Starkweather and his 14-year-old girl friend managed to wriggle out of the area.

Up in the Wyoming badlands near the Continental Divide Starkweather's luck was fast running out along with the sands of time.

A short distance from Natural Bridge just out of the cattle town of Douglas in Converse County, Starkweather began to scout around for another car. He realized he had milked his extraordinary streak of good fortune almost dry, having driven 524 miles northwest in less than a single day with neither challenge nor incident. The Packard was sure to be spotted, Starkweather felt. The quicker he ditched it the better.

It was now Wednesday afternoon. Red began to watch the side of the road for a likely "set of wheels." He looked different from his usual self. He now wore, as a disguise, a pair of rimless six-sided glasses which gave him a somewhat owl-like look. His hair was a bizarre black, having been well daubed with black shoe polish. He was badly in need of a shave.

A car with Oregon plates suddenly commanded the fugitive's attention. It was pulled up alongside of the road. The driver was napping.

Starkweather jammed on the Packard's brakes and brought the big sedan to a lurching stop in front of his quarry. He took a .32 caliber pistol from the glove compartment and stepped out on the road. Sauntering to the Oregon car, he fired once through the window, yelling, "come out!"

The driver, 37-year-old Merle Collision, a shoe salesman for a Montana concern, never awakened from his nap. His sleep was extended into eternity by the well aimed bullet which struck him just above the left temple.

Red yanked open the door and in an open mouthed passion of blood lust pumped five more shots into Collision's body. When his gun was empty he threw it into the Oregon car and pushed the lifeless body of the tenth victim of his terror binge under the dashboard cowl.

Caril Fugate came over from the Packard and climbed into the back seat of the new automobile. Starkweather went back to the Packard and returned with a .22 caliber rifle, one stolen from the Meyer farm. He slid beneath the wheel, adjusted the seat to his short stature and tried to release the emergency brake.

For some reason it did not budge. Swearing like a madman, Red began to struggle with the brake. He pushed and pulled and grunted and sweated, but the brake would not yield to his efforts.

Down the road, headed into Douglas, barreled a dust powdered automobile. At the wheel was 29-year-old Joe Sprinkle, a husky land agent employed by a Casper, Wyo., oil company. Seeing the two out of state cars pulled up alongside of the road, Sprinkle presumed that he had come upon a pair of stranded motorists. He U-turned and pulled up behind the Oregon car. "Do anything for you, pardner?" he asked Starkweather.

The bandy-legged badman got out of the car carrying the .22 caliber rifle.

"Sure," he snarled. "You can lift your hands up and walk over here."

Sprinkle took a good look at the gun, then studied Starkweather's face. He saw no trace of compassion in those kill crazy eyes.

"Help me free the emergency brake on this car or I'll kill you," Starkweather said.

Sprinkle came to the car and for the first time saw the white faced girl in the back seat. Then he looked at the corpse doubled under the dashboard.

Every man has a time to die, Sprinkle thought. This is my time. I'll free the brake and this sawed off runt will kill me.

Pretending to bend toward the brake, Sprinkle suddenly wheeled and grabbed the rifle barrel.

I'm fighting for my life, he said to himself. It's either this punk or me!

He began to kick out at Starkweather, holding the barrel in a grip of steel.

Little Red cursed the air blue, slugging, kicking, butting to free the gun from Sprinkle's grasp. But Sprinkle was a big man, and he knew that to let go was to die. With one powerful wrench he pulled the gun out of the bantam badman's hand.

Red backed away, then started to run toward the Packard. A truck came grinding up the road. Sprinkle waved for it to stop. Behind the truck came a Natroma County patrol cruiser. In it was Deputy Sheriff Bill Romer on a routine rent receipt inspection job. From a distance, Romer had seen the two men struggling for possession of a rifle.

Little Red Starkweather gunned the Packard onto the highway and took off on screaming tires. Caril Fugate rushed out of the Oregon automobile into Romer's arms. Her hair was set in pin curlers. Her voice was a series of sobs.

"Save me!" she shrieked. "It's Starkweather! He just killed another man, and he's going to kill me!"

Romer grabbed the girl, jumped into his car and radioed ahead for a series of roadblocks to be thrown across the highway. Starkweather smashed through the first checkpoint doing better than 100 miles an hour. Then, wheeling around in a grinding turn, the bandy legged redhead headed back toward Douglas. He drove for ten miles before running past Sheriff Earl Heflin of Converse County who was in a car being driven by Douglas Police Chief Robert Ainsley.

Ainsley, a mild-mannered bespectacled lawman who heads a three-man force, wheeled around and roared into pursuit. Both cars reached the Douglas City limits doing almost 115 miles an hour. Starkweather, slowed by traffic, could no longer make time.

"I tried to crash him," Ainsley said later. "I got my bumper hooked in his, but he pulled away. The sheriff was firing with his .30-30 carbine as much as he could in that heavy traffic."

"Every time there was an opening, he'd let go at one of the tires."

Just east of Douglas, the chase picked up speed again. Earl Heflin put a shot through the back window of the Packard,

and then pegged three more into the trunk.

Starkweather's car began to weave. It lurched to a stop and Starkweather jumped out, holding a bleeding right ear. He hesitated a second, leaned against his car and then surrendered leaving an empty .38 caliber revolver and a broad-bladed hunting knife on the car seat.

"He had a nick in the ear and he thought he was bleeding to death," Sheriff Heflin said. "That's the kind of a yellow SOB he is."

Starkweather was hustled to Converse County Jail. He arrived there just after Deputy Romer came in with the Fugate girl.

Caril Fugate told a weepy story. "I was afraid he would take me to Washington State and kill me," she said. "He forced me to come along with him."

Perhaps this is true. The facts are still to be determined.

"Take it easy on the kid," Starkweather told the officers. "She had nothing to do with any of this."

An expected legal hassle over jurisdictional rights to the prisoners was settled in record time. Wyoming Gov. Milward Simpson, an admitted foe of capital punishment, made it clear that he would gladly sign extradition papers for the return of Starkweather and the girl to Nebraska, where the death penalty is in effect. Converse County Attorney Bill Dixon, although he filed charges of murder against Charles Starkweather in the Collison case, agreed not to hold up the transfer of the prisoners to Lincoln.

Lancaster Sheriff Karnopp brought the bantam badman to Nebraska. Caril was returned in another car.

"I always wanted to be an outlaw," Starkweather is quoted as telling the sheriff. "I always wanted to be a big criminal—but maybe not this big. Hell, I wasn't really mad at anybody. I just wanted to be somebody big."

Caril Fugate, lodged in Lincoln State Mental Hospital because there are no facilities elsewhere to accommodate her, at this writing is still charged with first degree murder.

"It is not likely that this charge will be dropped against the girl," Lancaster County Attorney Elmer Scheele told the press. "We are proceeding with our action against her with all possible dispatch."

"She's a great actress," Police Chief Joe Carroll said. "She had many chances to escape from Starkweather. We're not going to see her wiggle her way out of this."

Authorities say Starkweather himself has signed a statement admitting that the 14-year-old girl was a "willing partner" in the orgy of murder which took ten lives. He claims that she had no part in the killing of station attendant Robert Colvert on December 1.

At their arraignment in Lincoln, Neb., February 3, both Charles Starkweather and Caril Fugate pleaded innocent to charges of first degree murder in connection with the slaying of Robert Jensen. Two days later, Caril completed her account of the ten killings, but County Attorney Elmer Scheele refused to discuss the contents of her statement.

Few comments about the tragedy are as poignant as that of Granny Pansy Street whose pension money will be used to bury the victims of the shooting spree.

"She wanted to go to school and be a nurse, and Granny was ready to help her make it. But now that money will go into coffins for Marion, Velda and Betty Jean Bartlett. There won't be enough to really do it right. That baby'll just have to be buried with her mother."